United Nations CCPR/C/VNM/3

International Covenant on Civil and Political Rights

Distr.: General
30 January 2018

Original: English
English, French and Spanish only

Human Rights Committee

Third periodic report submitted by Viet Nam under article 40 of the Covenant, due in 2004*, **

[Date received: 22 December 2017]

* The present document is being issued without formal editing.

** The annexes to the present report are on file with the Secretariat and are available for consultation.

GE.18-01357(E)

1801357

Please recycle

Contents

	Page
Introduction	3
Part I. — General information	3
State agency system	3
National legal framework on human rights	4
Implementation of international commitments/undertakings on human rights	5
Challenges to the implementation of the Covenant	5
Drafting of the report	6
Part II. — Report on specific articles	7
Article 1	7
Articles 2 and 26, paragraphs 5 and 11 of the Committee's concluding observations	7
Article 3, paragraph 14 of the Committee's concluding observations	8
Article 4	11
Article 6, paragraphs 7 and 15 of the Committee's concluding observations	11
Article 7	13
Article 8	15
Article 9, paragraph 8 of the Committee's concluding observations	16
Article 10, paragraphs 12 and 13 of the Committee's concluding observations	18
Article 11	20
Article 12	20
Article 13	21
Article 14, paragraphs 8, 9 and 10 of the Committee's concluding observations	22
Article 15	25
Article 16	25
Article 17	25
Article 18, paragraphs 16 and 17 of the Committee's concluding observations	27
Article 19, paragraph 18 of the Committee's concluding observations	28
Article 20	30
Article 21, paragraph 21 of the Committee's concluding observations	30
Article 22, paragraph 20 of the Committee's concluding observations	30
Article 23	31
Article 24	32
Article 25	34
Article 27, paragraph 19 of the Committee's concluding observations	35

Introduction

1. Viet Nam's third periodic Report is hereby submitted in accordance with Article 40 of the United Nations' International Covenant on Civil and Political Rights ("the Covenant"), and covers the implementation of the Covenant from 2002 to September 2017 and focuses on the Concluding Observations of the Human Rights Committee (HRC) following the review of the 2002 Report (CCPR/C/VNM/2001/2).

2. The Report has been prepared on the basis of the Compilation of guidelines on the form and content of Reports to be submitted by states parties to the international human rights treaties (Document No HRI/GEN/2/Rev.6) and Guidelines for the treaty-specific document to be submitted by States parties under Article 40 of the Covenant (Document No CCPR/C/2009/1).

3. To facilitate full consideration of the Report, reference is made in appropriate places to, inter alia, Viet Nam's combined third and fourth periodic Report submitted to the CRC Committee in 2011 (CRC/C/VNM/3-4), combined seventh and eighth periodic Report submitted to CEDAW Committee in 2013 (CEDAW/C/VNM/7-8), and the Initial Report submitted to the Committee against Torture in July 2017 (CAT/C/VNM/1).

Part I. — General information

4. Viet Nam is a unitary State of 54 ethnics, located in the South-East Asia with a total area of approximately 331,212 km^2 and a population of approximately 92.7 million people (2016), and divided into 63 provinces and cities.

State agency system

5. Viet Nam's State agency system is stipulated in the Constitution and the laws adopted by the National Assembly. The Socialist Republic of Viet Nam (SRV) is a socialist, rule-of-law State, which is of the People, by the People and for the People; all State powers belong to the People. The State powers are unified and delegated to State agencies, which shall cooperate with and control one another in the exercise of the legislative, executive, and judicial powers (Constitution, Article 2).

6. In Viet Nam, the People exercise the State power under the form of direct democracy and of representative democracy through the National Assembly, the People's Councils and other State agencies. All State agencies, State officials and employees shall respect the People, devotedly serve the People, maintain close ties with the People, listen to their opinions and are subject to the People's supervision (Constitution, Articles 6 and 8).

7. The National Assembly is the highest representative body of the People and the highest organ of State power of the SRV. The National Assembly exercises the powers to make Constitution and laws, decides important matters of the country, and exercises supreme supervision of all State activities (Constitution, Article 69).

8. Members of the National Assembly are elected by the People in accordance with the principles of universal, equal, and direct suffrage through secret ballot. The National Assembly is held in plenary sessions and makes decisions by a vote of the majority. Deputies to the National Assembly are representatives of all classes, ethnics, religions, genders, and social groups.

9. The President of the State, elected by the National Assembly from among its Deputies, is accountable to and reports his or her work to the National Assembly (Constitution, Article 87). The President is the Head of the State, acting on behalf of the SRV in domestic and foreign affairs (Constitution, Article 86).

10. The Government is the highest administrative State agency of the SRV, exercises the executive power, and is the executive body of the National Assembly. The Government is responsible before the National Assembly and reports its work to the National Assembly,

the Standing Committee of the National Assembly and the President (Constitution, Article 94). The Government consists of the Prime Minister, Deputy Prime Ministers, 18 Ministers, and heads of 04 ministerial-level agencies. The Government works on a collective basis and adopts decisions by majority. The organizational structure and the number of members of the Government shall be decided by the National Assembly (Constitution, Article 95).

11. The People's Court is the judicial body of the SRV and exercises the judicial power; has responsibility for the protection of justice, human rights, the citizen's rights, the rights and legitimate interests of organizations and individuals (Constitution, Article 102). The People's Courts system includes the Supreme People's Court (SPC), the High Courts, the Provincial-level People's Courts; the District-level People's Courts, and the Military Courts at all levels (LOPC, Article 3).

12. The People's Procuracy exercises the power of public prosecution and supervision of judicial activities. The People's Procuracies are responsible for the protection of justice, human rights and the citizen's rights, the socialist regime, the rights and legitimate interests of organizations and individuals, and contribute to ensuring the strict and uniform observance with law (Constitution, Article 107). The People's Procuracies system includes the Supreme People's Procuracy (SPP), the High Procuracies, the Provincial-level People's Procuracies, the District-level People's Procuracies, and the Military Procuracies at all levels (LOPP, Article 40).

13. Local governments are organized in administrative units of the SRV. Local governments ensure the implementation of the Constitution, and the laws and regulations at local levels; make decisions on local issues prescribed by laws. Local governments are People's Councils and People's Committees that are organized in consistence with the special conditions of the rural areas, urban areas, islands, special administrative-economic units as prescribed by law (Constitution, Articles 111 and 112).

National legal framework on human rights

14. Human rights and the citizen's rights have been always recognized in the Constitutions — the supreme law of the land of Viet Nam. On the basis of the provisions of the Constitution, amendments and supplements to legal documents, including those on human rights and the citizen's rights have been timely made. Issuance of any legal document that is in contradiction with the Constitution or any legal documents by superior State agencies is strictly prohibited (LPLD, Article 14).

15. The current Constitution of Viet Nam was adopted by the National Assembly in late 2013. It has marked an important progress of Viet Nam in the awareness and realization of human rights as well as the responsibility of organizations and individuals in the recognition, respect, protection and guarantee of human rights and the citizen's rights in all areas. An entire chapter of the 2013 Constitution is devoted to "Human Rights, Fundamental Rights and Obligations of Citizens", in which civil and political rights are fully and explicitly recognized. In comparison with the previous Constitutions, the 2013 Constitution does not allow under law regulations to impose any restriction on human rights, nor even any law enacted by the National Assembly to impose any restriction on human rights except for those reasons provided for by the Constitution: "Human rights and the citizen's rights may only be restricted in accordance with law solely in case of necessity for reasons of national defence, national security, social order and safety, social morality and public health" (Article 14).

16. To implement the Constitution, Viet Nam has conducted an overall review of more than 100,000 pieces of legislation for further amendments thereto or for promulgation of new pieces of legislation, when necessary. From January 2014 to June 2017, the National Assembly and its Standing Committee adopted 81 laws and ordinances respectively,[1] many of which are important laws on human rights, such as the 2015 Penal Code (PC), the 2015 Civil Code (CC) and the 2015 Criminal Procedure Code (CrPC), the 2015 Civil Procedure Code (CiPC), the 2015 Law on Enforcement of Custody and Temporary Detention

[1] See Appendix I

(LEIDC), the 2016 Law on Access to Information (LAI), the 2016 Law on Religion and Belief (LRB), the 2016 Press Law (PL), the 2017 Law on Legal Aid (LLA), the 2017 Law on State Compensation Liability (LSCL).

17. Great achievements in the legislation and the law implementation that have been gained by Viet Nam for more than 30 years of the implementation of the Doi Moi (renovation) policy are important legal bases to guarantee and enable the full enjoyment of human rights.

Implementation of international commitments/undertakings on human rights

18. Viet Nam undertakes to abide by international treaties to which Viet Nam is a party. This is well reflected in the Constitution, the Law on Treaties (LT) and the LPLD. The domestic law making must not obstruct the implementation of international treaties to which Viet Nam is a contracting party (LPLD, Articles 5 and 156). If a domestic legislation and an international treaty to which Viet Nam is a contracting party provide for different rules, the treaty shall prevail, except for the Constitution (LT, Article 6).

19. Viet Nam has ratified/acceded to 7/9 UN core international human rights instruments and several Optional Protocols to these instruments. In addition, Viet Nam has also become a Contracting State to a large number of other international treaties related to the recognition, promotion and protection of human rights.[1]

20. Viet Nam has spared no effort to carry out the Universal Periodic Review (UPR); actively participated in many important UN human rights mechanisms, including the Human Rights Council for the 2014–2016 period, the Economic and Social Council for the 2016–2018 term; taken initiatives in human rights dialogues with many countries in the region and the world, etc.

21. Viet Nam has duly implemented recommendations of the UN human rights protection mechanisms. Viet Nam has made official comments on the 2002 HRC's Concluding Observations.[2] Since then, in spite of many challenges in the implementation of the Covenant as mentioned in paragraphs 24–29 of the Report, Viet Nam has actively and positively improved its legal system and law enforcement to better protection and guarantee of civil and political rights in line with the HRC's Concluding Observations and the actual development conditions of Viet Nam.

22. The implementation result of these Concluding Observations has been partly reflected in the National Reports on Human Rights in Viet Nam under the UPR and other international treaties on human rights to which Viet Nam is a Contracting Party (as cited in the Report). Information on the implementation of the HRC's Concluding Observations is included in this Report.

23. In addition, Viet Nam is considering the possibility of acceding to some other treaties on human rights, such as the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrants Workers and Their Family. For the Optional Protocols to the ICCPR, Viet Nam will continue to study them for future consideration.

Challenges to the implementation of the Covenant

24. Due to its historical circumstances, Viet Nam, for a long time, was an underdeveloped country and had to go through many wars that resulted in an exhausted economy, a devastated environment and lack of resources. This has negative consequences for the achievement of human rights protection and promotion goals. With new socio-economic development achievements in recent years, Viet Nam has made great efforts to

[1] See Appendix 2.

[2] Document CCPR/CO/75/VNM/Add.1 dated 5 August 2002 and Document CCPR/CO/75/VNM/Add.2 dated 24 July 2003.

promote the respect, protection and promotion of human rights. Because having recently emerged from the group of poor and backward countries to become a low-average-income country, Viet Nam still faces many difficulties. The country's resources are limited, but have to be allocated for many different socio-economic needs, including the protection of human rights.

25. In addition, while Viet Nam's legal framework on human rights continues to develop but its implementation capacity remains limited as the successful implementation requires huge resources and longer time. Clearly, in this context, all the conditions necessary for law implementation have not always been met in full, affecting the achievement of the objectives and goals. Moreover, people's lack of understanding and low awareness of law compliance has also considerably hindered the effective implementation of laws and the Covenant.

26. Because of the uneven socio-economic developments between regions and between population groups, Viet Nam has been facing a shortage of resources for its development, especially in the implementation of policies related to the assistance and guarantee of the rights of disadvantaged, vulnerable groups in society. Climate change effects, natural disasters, epidemics and other non-traditional security issues, by which the vulnerable groups are most affected, remain major challenges to Viet Nam. Despite great efforts have been made, the modest coverage of the current welfare system is still causing negative impacts on people's full enjoyment of their rights due to lack of resources.

27. Although the education on human rights and the rights of citizen at all levels has drawn proper attentions and has been strongly promoted, the education still does not meet the requirements. The teaching curriculum on human rights in general and on specific rights in particular is under-developed and not designed to fit different school levels and ages. A majority of education programs only provide information and the text of legislations on human rights.

28. A number of existing backward habits and customs have prevented women and vulnerable groups, including children, persons with disabilities, ethnic minorities, from proactively protecting their own rights. There remains patriarchy and domestic violence, especially within poorly educated groups. These problems not only affect individual's enjoyment of rights but also are challenges to government agencies in the development and implementation of policies to improve people's material and spiritual life.

29. The fluctuations of regional and international situations, such as wars, armed conflicts in some areas, extremism and terrorism that take place in many parts of the world, economic recessions and etc., have had negative impacts on Viet Nam. These challenges not only directly affect the people, but also disperse the country's resources, reduce the effectiveness of the policies in encouraging and promoting the development of civil and political rights.

Drafting of the report

30. The Report was compiled by an Inter-ministerial Drafting Committee composed of the representatives from different ministries and sectors that have a direct involvement in the guarantee, protection and promotion of human rights. The MOJ of Viet Nam is the focal body for drafting the Report.

31. The Report was made with the comments, views and inputs from government agencies, local governments, socio-political organizations, socio-professional associations and people at large. The draft Report was publicized on the website of the MOJ for public comments. Many workshops were organized to provide open and straightforward dialogues between the Drafting Committee and other related parties. All comments were collected and studied by the Drafting Committee for finalizing the Report.

Part II. — Report on specific articles

Article 1

32. Viet Nam is a unitary State of 54 ethnic groups which have been united to live together and to support each other for thousand years of history in order to build and safeguard the fatherland of Viet Nam. Neither indigenous people nor indigenous issues are found in Viet Nam.

33. In Viet Nam, the land, water sources, mineral resources, resources in the sea, the airspace, other natural resources and properties invested and managed by the State are public properties, which shall be owned by the entire people with the State being the owner's representative and exercising the unified administration (Constitution, Article 53).

34. The goal of the State of Viet Nam is to consolidate the great national unity based on the principles of "all ethnic groups are equal and united, mutually respect and help one another to develop" and "the State implements policies of all-round development and facilitates ethnic minorities to maximize their internal resources for development together with the country" (Constitution, Article 5). Specific information on the ethnic minority rights is provided in paragraphs 237–246 of the Report.

Articles 2 and 26, paragraphs 5 and 11 of the Committee's concluding observations

35. The civil and political rights of all persons under the Covenant are fully provided for in the Constitution and the laws adopted by the National Assembly, and are further specified in under law regulations. Article 14 of the 2013 Constitution stipulates that: "Human rights and citizen's rights in political, civic, economic, cultural and social aspects are recognized, respected, protected and ensured in accordance with the Constitution and law."

36. The Constitution stipulates that everyone is equal before the law, and no one is subject to discriminatory treatment in political, civic, economic, cultural or social life (Article 16). Everyone, including foreigners in the Vietnamese territory, have their human rights guaranteed by the Constitution and the Vietnamese laws. Vietnamese citizen's rights may be set out solely for only rights that reflect the special personal relationship between the citizens and the State of Viet Nam.

37. In civil relations, the CC provides "All individuals shall be equal, no discrimination is allowed for any reason; each person enjoys equal protection by law with respect to personal and property rights" and "All individuals have equal civil legal capacity" (Articles 3 and 16).

38. The LPLD stipulates that the State shall ensure publicity and democracy in gathering opinions of people in the process of drafting and promulgating legal documents. The Law also affirms that individuals have the right, and are provided with opportunity, to give comments on proposals and drafts of legal documents (Article 6).

39. To create favourable conditions for women and vulnerable groups, such as people with disabilities, children, the poor, ethnic minorities, etc., to fully enjoy their civil and political rights, Viet Nam has laws and regulations that are specific to these people, such as the Labour Code (LC), the LLA, the Law on Disability, the Law on Children (LOC) and many other laws. These laws and their implementation are discussed in detail in the next sections of the Report.

40. Acts infringing upon civil and political rights shall, depending on the seriousness, entail liability under laws and regulations; victims have the right to file complaints, denunciations or lawsuits with competent State agencies against unlawful acts. The competent State agencies shall be responsible for resolving them according to the procedures and within the time limits prescribed by law.

41. The methods to protect the civil rights are stipulated in Article 11 of the CC. Besides, the CC clearly stipulates that Courts and other competent agencies must respect and protect the civil rights of individuals and legal persons. Anyone whose rights have been violated can bring an action in court or arbitration against the perpetrator. Protection of civil rights under the administrative procedures is set out in law. A decision on resolution of a case in accordance with the administrative procedures may be subject to judicial review (Article 14).

42. Notably, Article 14 of the CC and Article 4 of the CiPC have taken a big step forward in protecting and guaranteeing human rights in the way that a court may not refuse to resolve a civil case for the reason that no available law provision to apply.

43. Article 1 of the 2015 PC (which replaced the 1999 PC) affirms the duty to protect human rights and the citizen's rights, the rights to equality between peoples, and the interests of the State. The PC specifies criminal liability for infringements upon civil or political rights.

44. The right to lodge complaints or denunciations against unlawful activities of State agencies, organizations or individuals is also guaranteed by the Constitution (Article 30), the Law on Complaints, and the Law on Denunciations. From 2012 to 2016, State administrative organs resolved 199,567 out of 237,168 complaints and denunciations under their authority (accounting for over 84%). Thanks to the resolution, the rights of 13,617 citizens were restored, and with the recovery of VND 512 billion and 418.6 hectares of land.

45. Individuals and organizations who suffer damage caused by acts of officials on duty in the course of the administrative management will be compensated by State if the damage falls into the scope of the LSCL (Article 2).

46. Viet Nam has implemented a variety of activities to promote and disseminate the Covenant's provisions and human rights law,[1] including Project of "Strengthening the dissemination of the basic contents of the Covenant and the laws of Viet Nam on civil and political rights for cadres, civil servants and people for a 2015–2020 period", Project of "Bringing human rights into the national education system". Training on human rights law has been incorporated into training programs at a number of training institutions. In particular, attentions have been paid to the training of State legal officers and people working in human rights-related fields.

47. Different mechanisms on protection of human rights and the citizen's rights are also provided in Vietnamese laws (See paragraphs 35–46 of the Report). At present, Viet Nam is studying the possibility of establishing a national human rights institution as recommended by the HRC, based on its suitability to socio-economic development level and the legal and judicial reform process.

Article 3, paragraph 14 of the Committee's concluding observations

48. The implementation of these observations should be considered with due reference to the seventh and eighth combined National Report regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was submitted to the CEDAW Committee in 2013 and updated in 2014. Within the scope of the Covenant, this Report emphasizes the following points:

49. The Constitution confirms that female and male citizens are equal in all respects; the State has policies to ensure gender equality in terms of rights and opportunities, and gender discrimination is strictly prohibited (Article 26).

50. The constitutional principle of gender equality is further elaborated in legal documents. The Law on Gender Equality (LGE) is adopted to facilitate and allow equality to both women and men in all fields. Besides, under the LPLD, gender mainstreaming must be, as a matter of principle in the law making, ensured and included in every legal document (Article 5).

[1] See Appendix 4.

51. The gender-based non-discrimination principle and the guarantee of gender equality are provided for in different legal documents, including:

(i) The LC stipulates that employers must ensure equal pay, regardless of gender, for employees performing the same work (Article 90);

(ii) The Law on Education (LOE) provides that every citizen, regardless of gender, is equal in learning opportunities (Article 10);

(iii) To ensure a reasonable representation proportion of women in the National Assembly, and People's Councils, the Law on Election of Deputies to the National Assembly and People's Council (LEDNAPC) provides that at least thirty-five percent of the total number of the candidates for Deputies to the National Assembly and Deputies to the People's Councils are women (Articles 8 and 9);

(iv) The Law on Domestic Violence Prevention and Fighting (LDVPF) recognizes the principle that priority is given to the protection of the rights and legitimate interests of women victims of domestic violence (Article 3).

52. Viet Nam has always paid attentions to formulating and developing policies and programs to promote gender equality. The 2011–2020 National Strategy on Gender Equality is being implemented effectively. In 2016, Viet Nam organized the Month of Action for Gender Equality and Gender-based Violence Prevention and Fighting nationwide. However, gender stereotyping, local custom and bias favouring men over women, or discrimination against women still exist in some places.

53. Violator of gender equality, depending on nature and seriousness of the violation, shall be subject to civil, administrative or criminal liability. Namely:

(i) Regarding administrative liability, the Government issued Decree No. 55/2009/ND-CP, which provides for definition of administrative violations, forms of administrative sanctions and competence to apply administrative sanctions for gender equality violations;

(ii) Regarding criminal liability, any person, who, on ground of gender, commits the act of hindering another person's participation in political, economic, labour, education, science and technology, culture, information, physical education, sports and health activities, shall be, depending on the seriousness of the act, held criminally liable for infringement of gender equality rights (PC, Article 165).

54. The system of agencies and organizations responsible for the promotion and advancement of women in Viet Nam includes the Ministry of Labour — Invalids and Social Affairs, the National Committee for the Advancement of Women in Viet Nam and the Viet Nam Women's Union.

55. Viet Nam's efforts to guarantee gender equality have been reflected in the United Nations' 2015 rankings on the Gender Inequality Index (GII), according to which Viet Nam ranks 60/188 countries as compared with the position of 58/136 countries in 2010.

56. The female Deputies of the 14th National Assembly (2016–2021) reaches 26.72%. Women hold many key positions in the State and society, including the Chairwoman and the First Vice-Chairwoman of the National Assembly, Vice State President, Minister, 03 Chairwomen of the Committees of the National Assembly. The 14th National Assembly has for the first time its Chairwoman and the largest number of female candidates for Deputies to the National Assembly after the third round of consultations in the election, accounting for 38.79%, was seen as compared with previous elections. By December 2016, the number of female officers holding key positions in 12/30 ministries, ministerial-level agencies and government bodies accounts for 40%; the number of female Presidents and Vice Presidents of the People's Committees in 16/63 provinces accounts for 25.39%.

57. In 2011–2015, female workers account for 48% of the total number of jobs created in the country. In 2014, the percentage of female entrepreneurs/managers is 24.9% (an increase of 0.5% over 2013). According to the National Progress Report on the Achievement of the Millennium Development Goals of Viet Nam, the wage gap between women and men in the non-agricultural sector has narrowed to 106.7% in 2014.

58. In the school year 2014–2015, the illiteracy eradication program eliminated illiteracy for 27,512 persons, 18,557 of who are women (67.52%), and 18,557 of whom are ethnic minorities including 11,305 females (60.92%). Postgraduate training for women has been enhanced and paid more attentions.

Data on postgraduate training for women

School year	*2012/13*	*2013/14*	*2014/15*	*2015/16*
Student				
Master	22 420	39 030	38 190	41 371
Doctor	1 844	3 299	3 458	4 648
Lecturer				
Master	10 230	14 110	17 926	21 063
Doctor	1 568	2 429	3 119	4 334
Associate Professor	315	534	719	762
Professor	22	29	30	39

59. The raising of awareness and better dissemination on the LDVPF and the LGE have contributed to the reduction of new cases of violence against women. In addition, those violated these laws have been subject to appropriate sanctions.

The measures taken to deal with domestic violence

Unit: Case

Year	*2012*	*2013*	*2014*	*2015*	*2016*
Comments, criticism in the community	24 523	19 426	14 638	13 319	9 365
Putting ban on contact	977	1 084	505	440	244
Applying educational measures	5 532	4 173	2 801	2 817	1 393
Custody, administrative sanctions	1 893	1 864	1 488	1 325	1 039
Criminal sanctions	350	279	190	123	105

60. Viet Nam has implemented various programs for women, such as marriage counselling and reducing domestic violence. Many new models have been implemented, such as Marriage Support Centre, Reliable Community Address, Peace House …, which have met the needs of certain groups of women. In addition, the Project on the Prevention of Gender-based Violence in the period of 2016–2020 and Vision to 2030, which was approved by the Prime Minister, has served as a basis for future actions by ministries, sectors and localities in the coming period.

Measures to support victims of domestic violence

Year	*Unit*	*2012*	*2013*	*2014*	*2015*	*2016*
Number of counselling units	Unit	13 927	9 895	9 816	9 503	9 331
Number of advised abusers	Person	17 415	14 696	11 760	10 977	7 288
Number of counselled victims of domestic violence	Person	17 481	15 216	11 550	7 176	7 983
Number of health care centers	Center	9 200	9 087	9 529	10 425	11 109

Year	Unit	2012	2013	2014	2015	2016
Number of victims who visited health care centers	Person	8 254	4 571	4 052	3 281	2 654
Number of social protection institutions	Institution	829	718	930	844	839
Number of victims who visited social protection institutions	Person	527	832	420	385	321
Number of victim support centers	Center	3 417	4 156	4 691	5 142	6 132
Number of victims who visited domestic violation support centers	Person	3 500	4 793	2 868	2 488	1 354
Number of reliable community addresses	Address	23 992	31 857	35 205	41 104	38 608
Number of victims who visited reliable community addresses	Person	8 862	8 126	6 243	5 860	5 698

Article 4

61. The Constitution provides for the declaration of state of emergency and its termination in the whole country or in a locality by the Standing Committee of the National Assembly or by the President of the State and the Government's actions in the state of emergency (Articles 74, 88 and 96). Such provisions have been further elaborated in a number of legal documents:

(i) The Law on Defence provides for a state of emergency on national defence (Chapter VI). At present, the project of amending this Law has been reviewed in the fourth session of the 14th National Assembly. The amending aims to specify the declaration and proclamation of the state of emergency on national defence; abolition of the order on proclamation of the state of emergency on national defence. Since 2002, Viet Nam has not declared a state of emergency;

(ii) Decree No. 71/2002/ND-CP of the Government also prohibits the abuse of the state of emergency to infringe upon the rights and legitimate interests of individuals (Article 2).

62. The Counter-Terrorism Law provides that measures taken to prevent and combat terrorism must respect the rights and legitimate interests of agencies, organizations and/or individuals as well as the protection of human life and health (Article 4).

Article 6, paragraphs 7 and 15 of the Committee's concluding observations

63. Everyone has the right to life. Human life is protected by law. No one may be deprived of their life unlawfully (Constitution, Article 19). A number of different legal

documents have further specified this provision of the Constitution in a way to constrain infringement upon human life, to strictly punish violations, and to reduce the use of death penalty.

64. Viet Nam is currently conducting researches on possibility of its accession to the Convention against Enforced Disappearance.

65. The Law on Managing and Use of Weapons, Explosive Materials and Support Tools specifies the circumstances, conditions and principles under which opening fire is allowed in the course of official duty or for protection of the national security. A law enforcement officer on his official duty who causes human death due to the use of force beyond that permitted by law shall face charges of manslaughter in performance of official duty (PC, Article 127).

66. Chapter 14 of the PC contains provisions on offenses that infringe upon human life, health, dignity and honour. Such infringements may also constitute other crimes in different chapters of the Code, such as crimes against humanity, war crimes, etc. With a view to ensuring the repression of crimes against peace, crimes against humanity and war crimes, the PC prescribes non-application of the statute of limitations for prosecution of these crimes (Article 28). Moreover, the PC also specifies that infringements on specially-protected groups, such as persons under 16 years of age, pregnant women, persons aged 70 years or older … are factors that aggravate criminal liability or determine levels of punishment.

67. Death penalty is the most severe sentence under the PC. In comparison with the 1999 PC, the 2015 PC has determined clearly that death penalty is a special sentence only imposed upon people committing extremely serious crimes that infringe national security, human life, drug-related crimes, corruption-related crimes, and some other extremely serious crimes in accordance with the Code. Amendment to the 2015 PC excludes a number of crimes from death penalty. In particular:

(i) The 2015 PC excluded 08 offenses out of the crimes subject to death penalty. Accordingly, death penalty in this PC shall apply to 18 out of 314 crimes (accounting for 5.73%) under 07/14 offense categories, which is a decrease of 11 offenses (about 6%) compared to the 1999 PC and a decrease of 4 crimes (about 3%) compared to the 1999 PC (with the amendment in 2009);[5]

(ii) In addition to that death penalty shall not apply to people who are under 18 at the time of committing crime, pregnant women, women nursing their under-36-month-old children at the time of committing crime or being tried, as in the 1999 PC, the 2015 PC provides for non-execution of death penalty to sentenced persons who are 75 years of age or older;

(iii) Besides stating that death penalty shall not apply to, or be converted to lifetime imprisonment in cases of pregnant women or women nursing their under 36-month-old children as in the 1999 PC, the 2015 PC allows conversion of death penalty to life imprisonment in 02 circumstances: (a) The sentenced person is 75 years of age or older; (b) The person sentenced to death for embezzlement or taking bribes, after being sentenced, has returned at least three-fourths of the property embezzled or bribes taken, closely cooperates with the authorities in the process of investigation or trial, or has made reparation in an effort to atone for the crime.

68. The CrPC specifies in detail strict rules and procedures to try criminal cases where the defendants are prosecuted for the crimes carry death penalty as the maximum punishment:

(i) People's Courts at provincial level or regional military courts conduct first-instance trials of criminal cases where the defendants are tried for the crimes punishable by death penalty as the maximum punishment. There must be defence

[5] The 1999 PC provided for 29 crimes punishable by death penalty out of 263 crimes, which account for more than 11% and fall under 09 out of 14 groups of crimes; the 1999 PC (amended 2009) provided for 22 crimes punishable by death penalty out of 272 crimes, which account for more than 8% and fall under 09 out of 14 groups of crimes.

counsels at the trials (Article 76). A first-instance criminal trial panel in such a case consists of two judges and three lay judges (Article 254).

(ii) After a final and binding judgment under which death penalty is imposed, the case dossier must be immediately submitted to the Chief Justice of the SPC and the judgment must be immediately submitted to the Prosecutor General of the SPP to decide whether or not to file a petition against the judgment in accordance with the cassation review procedures or the reopening procedures. From the date the judgment becomes final and binding, the person sentenced to death penalty has the right to file an application for commutation of the sentence with the State President (Article 367).

69. In search for a more humane execution of death penalty, lethal injection has been implemented instead of shooting since 1 July 2011. The form and procedures for the execution of death penalty must be conducted in accordance with law.

70. From 2002 to 2016, Viet Nam implemented many policies to ensure access to and enjoyment of health care services for pregnant women and children. Reproductive health of women during pregnancy has received special attention, while the contraceptive rate has reached 75.7% nationwide. As estimated by UN organizations, the maternal death in Viet Nam decreased from 61/100,000 children born alive in 2005 to 54/100,000 in 2015. According to the assessment of the United Nations, Viet Nam has a sharp decline rate of maternal death as compared to other countries in the region. However, the rate varies between provinces.

71. The National Strategy on Gender Equality for the period of 2011–2020 set the goal to reduce the rate of abortion to 27/100 children born alive by 2015. According to the statistics, abortion cases declined from 19/100 children born alive (in 2012) to 16.9/100 children born alive (in 2016). In that sense, Viet Nam has over fulfilled the planned target of decreasing the abortion rate. The health side effects caused by abortion also decreased from 0.5% (in 2015) to 0.45% (in 2016).

Article 7

72. Like previous Constitutions, the 2013 Constitution continues to provide that no one shall be subjected to torture, violence, coercion, corporal punishment or any other form of treatment which infringes upon human body, health, honour or dignity (Article 20). Other related legislations have further elaborated this provision of the Constitution, for example:

(i) Torture, coercion, corporal punishment, or any other form of treatment which infringes upon human body, life or health is strictly prohibited (CrPC, Article 10);

(ii) Torture, coercion or corporal punishment; any form of cruel, inhuman treatment or punishment, humiliation, or any form of infringement of the rights and legitimate interests of people who are temporarily detained or held in custody is strictly prohibited (LETDC, Articles 4 and 8).

73. Several mechanisms to ensure those rights are provided, such as:

(i) The Constitution prescribes that everyone has the right to file complaints and/or denunciations with competent agencies, organizations or individuals against illegal acts committed by individuals, including torture, coercion and corporal punishment. Any complaint or denunciation in criminal procedure shall be dealt with in accordance with Chapter XXXIII of the CrPC. Any use or threat of use of force, or other acts that impede the exercise of the right to lodge complaints or denunciations shall be subjected to criminal liability in accordance with the PC (Article 166);

(ii) The supervision by People's Procuracies over related agencies, organizations and/or individuals' compliance with management and enforcement of temporary detention and custody; the oversight by the National Assembly, the People's Committees, Viet Nam Fatherland Front Committee over the agencies that manage, enforce temporary detention and custody, as well as other agencies, organizations or

individuals related to the temporary detention and custody in accordance with law (LETDC, Articles 6 and 7);

(iii) Any persons who suffered damages from the act of torture, coercion or corporal punishment shall have the right to compensation for physical and mental sufferings and restoration of honour in accordance with law. Compensation for those persons shall be made in accordance with the compensation law;

(iv) The CrPC prescribes the measures for prevention of coercion or corporal punishment, such as:

- Recording the sound or the video with sound of the interrogation at detention facilities or at the offices of the investigation agencies or units assigned to investigate (Article 183);
- Clearly prescribing the responsibility of law enforcement agencies to inform the accused's counsels in advance of the time and place to conduct the prosecution so that the counsels can attend (Article 183);
- Procurators interrogate suspects, who claim innocence or file complaints the conduct of investigation or in the presence of grounds to identify that the investigation is in contradiction with law or in other necessary circumstances (Article 183);
- In case a criminal defendant denounces that he or she has been forced to give statement or subjected to corporal punishment, the trial court shall allow the audible or visual records to be played at the court (Article 313).

74. The PC does not mention specifically torture as a crime. However, any acts that are of torture nature shall be identified as acts of violation of criminal law, which are set out in the crimes of illegal arrest or detention of a person or holding a person in custody or use of corporal punishment or coercion (Articles 157, 373 and 374). Besides, the PC sets out torture-related behaviours infringing upon human life, health and dignity as crimes falling into murder, forced suicide, threat of murder, inflicting injury or harming another person's health in the course of official duty, or torturing other persons (Articles 123, 130, 133, 137 and 140), etc. The penalties applicable to the aforementioned crimes are very severe.

75. The Law on Mutual Legal Assistance provides refusal of extradition of persons residing in Viet Nam for reasons of possible coercion in the extradition-requesting country based on discrimination of race, religion, gender, nationality, ethnicity, social class or political opinion (Article 35). This provision is also recognized in bilateral agreements on mutual legal assistance which Viet Nam has concluded with other countries.

76. The accused persons have the right but are not required to prove their innocence. Confession of the accused must not be the sole evidence to prosecute and convict them (CrPC, Articles 15 and 98).

77. The consent of a person is required for the anaesthesia, surgery, amputation, transplant of his tissues or bodily organs, the application of new medical cures to that person, medical, pharmaceutical or scientific testing or any method of testing on a human body (CC, Article 33). Besides, the Law on Donation, Removal and Transplantation of Human Tissues and Organs and Donation and Recovery of Cadavers stipulates prohibited acts related to donation, removal and transplantation of human tissues, and organs and donating and recover of cadavers such as stealing human tissues and organs; stealing cadavers; forcing other persons to give their tissues and organs, or removing tissues and organs from persons who refuse to donate their tissues and organs (Article 11) ... Any person who trades in or takes human tissues or body parts of another person shall be sentenced for trading or taking of human tissues or body parts (PC, Article 154).

78. The management of incarceration, food, accommodation, clothes, utilities, mailing, items delivery, cash, visitation, medical care for persons sentenced to death penalty during the time of pending execution is subject to the temporary detention law.

79. The law provisions on prohibition of torture and abuse, and protection of the citizen's rights are incorporated into training curricula for law enforcement officers.

80. On 28 November 2014, the National Assembly of Viet Nam ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In July 2017, Viet Nam submitted the first Report on implementation of the CAT, reflecting the first-year implementation result of the CAT.

Article 8

81. The concept of "slave labour" does not exist under the law of Viet Nam. However, the concept of "forced labour" exists as the use or threat of use of force or other means to force other persons to work against their will. Using forced labour or hiring children under the minimum working age are strictly forbidden under the Constitution (Article 35) and the LC (Article 8). The PC also prescribes 02 crimes relating to this issue, namely abuse of labourers aged under 16, and using forced labour (Articles 296 and 297).

82. Inmates are organized to work in prisons according to annual production plan of each unit. The output of inmates' labour, minus reasonable expenses will be added to their daily meals, used to reward inmates and establish the Community Re-integration Fund (supporting ex-inmates for their re-integration into the community after they have served their imprisonment), added to the Common Welfare Fund (supporting inmates in cases of sickness, work accidents, requiring treatment at infirmary, hospital ...), and added to the Bonus Fund of the prison (rewarding inmates for outstanding performance results in prison).

83. Viet Nam has in recent years paid special attentions to preventing and combating human trafficking through its accession to international conventions, the improved legal system, the law enforcement, and the enhanced dissemination and awareness on preventing and fighting human trafficking and forced labour.

84. Viet Nam has concentrated on and taken measures to prevent and combat human trafficking, including promulgation of policies and legal documents, such as the PC, the Law on Prevention and Combating against Human Trafficking (LPCHT), Decree No. 62/2012/ND-CP prescribing the grounds to identify victims of human trafficking and to protect them as well as their relatives, etc.

85. The PC criminalizes human trafficking and trafficking of persons under 16 years old (Articles 150 and 151). Any of the following acts is considered human trafficking:

(i) Transferring or receiving persons for transfer and/or receipt of money, property or other financial interests;

(ii) Transferring or receiving persons for sexual slavery, coercive labour, taking body parts or for other inhuman purposes;

(iii) Recruiting, transporting, and harbouring other persons to commit the above acts.

86. Under the LPCHT, the Government, ministries, organizations and local governments are required to incorporate the prevention and combating against human trafficking into programs of prevention and combat against crimes and social evils, vocational training, job creation, poverty reduction, gender equality, children protection, programs of advancement of women, and other programs of economic and social development to efficiently handle human trafficking.

87. Viet Nam acceded to the Convention against Transnational Organized Crime on 8 June 2012 and the Protocol to Prevent, Suppress and Punish Human Trafficking, especially Women and Children on 29 December 2011, and the International Labour Organization Forced Labour Convention No. 29 on 5 March 2007.

88. The Prime Minister promulgated an Action Program for prevention of and counter against human trafficking for the period of 2016–2020, designed to reduce the risks of human trafficking; reduce criminal human trafficking to implement efficiently the receipt, protection and assistance to returned victims of human trafficking.

89. From 2011 to 2015, People's Procuracies at all levels prosecuted 934 cases of human trafficking; children trafficking, swapping or appropriation. From 2011 to 2016,

People's Courts at all levels registered 1,193 human trafficking cases and tried 1,130 cases with first-instance procedure.

90. Dissemination and awareness raising on the prevention of and combat against human trafficking has been implemented under various forms and means. During the period from 2011 to 2015, local governments hosted almost 250,000 disseminations and talks to communities for over 15 million attendees; distributed over 150,000 brochures; conducted 150 seminars, programs and TV reports related to the topic. The year of 2016 is the first time Viet Nam organized "Citizen against Human Trafficking Day" aiming to enhance the human trafficking prevention and combat.

91. Victims of human trafficking (depending on their needs and wishes) are admitted to and granted temporary residence in Social Protection Centers or Victim Support Facilities. In Viet Nam, there are more than 400 Social Protection Centers under the management of the Labour — Invalids and Social Affairs agencies, and 03 supporting centers of Viet Nam Women's Union along with international organizations to assist the victims. During the period from 2011 to 2015, 2,213 victims of human trafficking were assisted on their return and reintegration into the community, accounting for 58%, including 2,173 female victims (accounting for 98.2%); 199 victims under 16 years old (accounting for 9%); victims transferred under the bilateral co-operation, accounting for 51%; rescued victims, accounting for 21%; and victims returned by themselves, accounting for 28%.[6] They are provided with related services, such as initial support, vocational training, job creation, loans, medical cares, psychological counselling and legal aid … which cost in total about VND 5 billion. Some models of victim assistance at localities are appreciated due to their efficiency and practicality, such as self-help groups, combination of the provision of assistance to victims of human trafficking with the prevention of and counter against prostitution and infection of HIV/AIDS.

92. Viet Nam has developed plans and organized trainings on human trafficking prevention and combat, including 130 interdisciplinary training courses for 6,000 advisory officers; more than 100 training courses for almost 3,000 groups of local officers involved in preventing and combating human trafficking, assistance to the victims, etc.

Article 9, paragraph 8 of the Committee's concluding observations

93. The Constitution stipulates that "Everyone has the right to physical inviolability; … No one may be arrested without a decision from the People's Court, or a decision or approval by the People's Procuracy except in the case he or she is caught in flagrante delicto. Arrest and detention are governed by law" (Article 20). This constitutional principle is further specified in various legal documents, such as the PC and the CrPC.

94. The CrPC specifies cases where a person may be arrested or taken in custody, including taking into custody a person under emergency circumstance, arresting a person taken into custody under emergency circumstance; arresting a person caught in flagrante delicto; arresting wanted persons; arresting criminal suspects, defendants for temporary detention; and arresting and temporarily detaining extradited persons (Articles 110, 111, 112, 113 and 503). The CrPC also specifies the follow-up mandatory acts after taking persons into custody under emergency circumstances, arresting people or taking arrested persons (taking testimony; responsibility of the agency issuing wanted order, and responsibility of the agency issuing decision on taking a person into custody or decision on temporary detention; making minutes; temporary seizure of objects and documents; making notification of taking a person into custody under emergency circumstance, or of arresting a person) (Articles 114 and 116).

95. With regard to taking persons into temporary custody, the CrPC stipulates that taking a person into temporary custody may be applied under emergency circumstances, or in cases where that person is caught in flagrante delicto, or where that person confesses or voluntarily surrenders, or where that person is arrested under wanted order. Persons taken into temporary custody have the right to be informed of their rights and obligations. If there

[6] Meanwhile, from 2011 to the end of 2016, 2,424 victims returned to community.

is no basis for taking a person into temporary custody, the Procuracy shall decide to revoke the decision and immediately free the person. The time limit for taking a person into temporary custody must not exceed 03 days. If necessary, it can be extended but not exceed 03 days and in special events, it can be given the second extension but not exceed 03 days. Any decision on the extension must be approved by the Procuracy at the same level or the competent Procuracy (Articles 117 and 118).

96. Regarding temporary detention, the CrPC stipulates (Article 119):

(i) Temporary detention may be applied to criminal defendants prosecuted for extremely serious crimes or very serious crimes;

(ii) For criminal defendants charged for serious crimes or less serious crimes punishable by more than 02 years in prison under the PC, the 2015 CrPC has specified the grounds for application of temporary detention;

(iii) For criminal defendants charged for less serious crimes punishable up to 02 years in prison under the PC, temporary detention may be applied if they continue to commit crimes, or have escaped and are arrested under wanted order.

97. Compared to the 2003 CrPC, the 2015 CrPC has shortened temporary detention duration in the investigative stage: temporary detention duration may be extended once only instead of twice with respect to serious crime or very serious crime; twice instead of three times with respect to extremely serious crime.

98. Temporarily detaining or taking into temporary custody persons may apply to terrorist suspects like other criminals in accordance with law.

99. In case a person is arrested or detained, the responsible agency must inform his family, relatives and his employers. Regimes applicable to persons who are temporarily detained or taken into custody, persons serving their sentence are stated in paragraphs 107, 114–117 of the Report.

100. If the accused has mental or critical illness under expert examination conclusion, the investigation may be suspended (CrPC, Article 229). There hasn't been any single case in Viet Nam where a mentally ill patient is temporarily detained in psychiatric hospital. When there are grounds to believe that a person committing a harmful act to society does not have criminal liability capacity, the Investigating Agency, the People's Procuracy or the Court, depending on stages of criminal proceedings, must call for psychiatric expert examination. A decision on compulsory treatment during the investigation or prosecution stage shall be made by the People's Procuracy based on the psychiatric expert examination conclusion; a decision on compulsory treatment during the court proceedings shall be made by the Court based on the psychiatric expert examination conclusion.

101. Agencies, organizations or individuals have the right to file complaints about decisions or procedural conducts of the agencies or persons conducting legal proceedings when there are grounds to believe that the decisions or conducts are unlawful or infringe upon their rights or legitimate interests (Chapter XXXIII of the CrPC).

102. Administrative violations are acts committed by individuals or organizations that violate legal rules on State management but not crimes and are subject to administrative sanctions under law. The Law on Handling Administrative Violations (LHAV) stipulates preventive measures and remedies facilitating the handling of administrative violations, such as taking into temporary custody or body search under the administrative procedures, or supervising foreign nationals who violate Vietnamese law in pending deportation procedures. The Law also specifies the authority and procedures to enforce those measures and remedies.

103. The LHAV provides the administrative measures applicable to individuals who violate legal rules on public security, social order and safety, which are not crimes: educational measures in communes, wards, towns; admission to correctional institutions, mandatory education centre or mandatory drug treatment centre. The Law stipulates that Courts are competent authorities to consider and decide on the application of administrative measures, except for education in communes, wards, towns which is decided by the Presidents of People's Committees. The Decree 31-CP of the Government dated 14 April

1997 on issuing the Regulations on Administrative Probation and Article 71 of the CrPC (1989, amended in 2000) was abolished.

104. From the perspective of human rights, a significant reform in the LHAV is that agencies making dossiers on recommending the application of administrative measures must allow the target persons, their representatives to participate in the making and must notify them when complete so that they can read the dossiers and take note of the necessary contents (Articles 97, 99, 101 and 103). All these have guaranteed the rights and legitimate interests of persons subject to administrative measures.

105. Drug addicts are allowed to choose either voluntary rehabilitation at home or in communities, or voluntary participation in programs of rehabilitation with substitute medicines in accordance with law. Drug addicts who are from 18 or older and still addicted after having been educated in communes, wards or towns, or who have not been subject to the said measures and have no stable residence may be sent to drug treatment centers according to decisions of District-level People's Courts (LHAV, Articles 96 and 105).

106. Viet Nam has no detention center to keep refugees, and there has not been any single case where a person applies for asylum in Viet Nam. Regarding illegal immigration of foreign nationals, authorized agencies will apply administrative measures and order them to leave Viet Nam. These people shall not be detained, tortured or treated cruelly.

Article 10, paragraphs 12 and 13 of the Committee's concluding observations

107. The rights of persons taken into temporary detention or custody are stipulated in the Constitution and further specified in various legal documents, such as:

(i) Any person who is arrested, taken in temporary custody, temporarily detained, or subject to criminal charges, investigation, prosecution or trial shall have the right to either defend him/herself or have a lawyer or other persons to defend him/her. Any person who is unlawfully arrested, taken in custody, temporarily detained, or subject to criminal charges proceedings, investigation, prosecution, trial or judgment enforcement has the right to have his physical and mental injury compensated, and have his honour restored. Anyone who breaches the law on arrest, detention, investigation, prosecution, trial or judgement enforcement, resulting in loss and damage to other persons must be dealt with in accordance with law (Constitution, Article 31);

(ii) The CrPC also prescribes fundamental principles in respecting and protecting human rights, the rights and legitimate interests of individuals, such as ensuring the right to physical inviolability; the accused's right to defence; victim's right to be compensated in the course of criminal proceedings, which include people taken into custody in emergency situations, arrested, temporary detained or subjected to judgment enforcement in an unlawful manner (Articles 10, 16 and 31);

(iii) The LETDC issued in 2015 contains a large number of provisions ensuring the rights of persons who are taken into custody or temporarily detained, and stipulating such persons' right to be informed of their rights and obligations; the right to elect; the right to participate in referendum in accordance with law; the right to meet lawful representative to carry out civil transaction; the right to request for release after the time limit on temporary detention or custody expires (Article 9)... In addition, persons taken into temporary detention or custody are provided with treatments in the places where they are detained or taken into custody, such as meals, clothes, accommodation; and have their rights guaranteed such as the right to be educated and/or trained; the right to see doctor and receive medical care; the right to complain and denounce; the right to receive legal aid; the right to meet family members; the right to consult with lawyer (except for few exceptions in accordance with law).

108. The LETDC prescribes clearly the tasks and powers of the managing agencies and the enforcing agencies of temporary detention or custody (Articles 12 and 13).

109. Depending on the nature and seriousness of the offense, the detainee who violates the rules of the detention facility is disciplined in the form of warning or being in isolation rooms (Article 23).

110. The enforcement of criminal judgments must ensure the principles of respecting human dignity, the rights and legitimate interests of sentenced persons; ensuring the right to lodge complaints and denunciations against unlawful acts and decisions in the criminal judgment enforcement; encouraging sentenced persons to show repentance, actively study, and work to reform themselves; execution of judgments towards minor offenders mainly aims to educate and help them correct their wrongful acts, healthily develop and become useful to the society (Law on Enforcement of Criminal Judgments (LECJ), Article 4).

111. By 2016, Viet Nam has 53 prisons, 82 temporary detention centers, 734 custody houses and 224 custody rooms, in which:

(i) Prisons, as agencies executing prison sentences, have tasks and powers to admit inmates and manage the incarceration, education and reformation of inmates (LECJ, Article 16);

(ii) Temporary detention centers, custody houses and custody room of border post are the places where persons temporarily detained or taken into custody are managed (LETDC, Article 3).

112. Treatments, such as food, accommodation, clothing and personal items, medical care, physical training and sport activities, cultural and artistic activities for inmates; treatments for female inmates who are pregnant or takes care of their children under the age of 36 months; inmates' meeting with their relatives, the receipt of gifts and the communication with inmates are specified by law (LETDC and its implementing legislation). For examples:

113. Pregnant female inmates, if they are not allowed to suspension of serving their imprisonment, shall be entitled to access reasonable accommodation, periodic or emergency pregnancy examinations and receive medical care in case of necessity; have the working duration reduced, and enjoy a healthy food. Pregnant female inmates are entitled to leave off work before and after childbirth in accordance with the provisions of the LC (LECJ, Article 45).

114. Juvenile inmates stay in separate areas which are suitable to their health, gender, age and personal identity; work in separate areas and not engaged in heavy or dangerous work or exposure to hazardous substances. Prisons are responsible for the education of juvenile inmates in terms of culture, law and vocational training suitable to their age, education, sex and health, and for creating conditions for them to integrate into the community after serving the sentence; for the implementation of compulsory primary education, compulsory secondary education and vocational training (LECJ, Articles 27 and 51).

115. Inmates' right to health care, medical examination and treatment is guaranteed. Many inmates who are sick or suffer from serious illness are entitled to enjoy suspension of serving the sentence for medical treatment. Management boards of prisons also coordinate with local authorities to promote prevention and fighting against narcotic drugs, HIV/AIDS transmission, tuberculosis and other infectious diseases. From 31 December 2012 to 13 December 2016, prisons arranged medical examination and provided medicines 1,153,451 times for 351,917 inmates; 26,398 inmates were treated at clinics for 29,141 times.

116. Inmates are organized to work based on their age, health condition and purpose of management and education (LECJ, Article 29). Since 2013, competent authorities have granted vocational training certificates to 1,569 inmates, organized vocational trainings for 118,207 inmates. A general examination survey of 269,614 persons who have completely served imprisonment sentences, in the period of 10 years (2002–2012) shows that 226,434 inmates (accounting for 82.26%) were employed and 48,840 inmates (accounting for 17.74%) were unemployed.

117. Inmates have the right to be provided with information on news, policies, and laws of the State. Illiterate inmates are required to study to eradicate illiteracy. Inmates who are foreigners are encouraged to learn Vietnamese. Inmates enjoy study and/or apprenticeship on Saturday, and rest on Sunday and holidays in accordance with law (LECJ, Article 28).

Before inmates complete imprisonment sentences, the detention facilities shall intensify the dissemination of news, policies, laws and information on the socio-economic situation, labour market, education on living skills, other necessary knowledge for inmates and assist them in legal procedures (Decree No. 80/2011/ND-CP dated 16 September 2011 providing measures to assure community re-integration for persons having completely served their prison sentences).

118. The National Assembly, the People's Councils, and Viet Nam's Fatherland Front supervise:

(i) Activities of the agencies responsible for managing or enforcing temporary detention and/or custody; other agencies, organizations or individuals involved in temporary detention and/or custody in accordance with law (LETDC, Article 7);

(ii) Activities of agencies and organizations in the enforcement of criminal judgments, and other agencies and organizations involved in the enforcement of criminal judgments in accordance with law (LECJ, Article 6).

119. Vietnamese laws provide for conducts and ethics of civil servants and responsibilities of persons related to the exercise of the State power, including the Law on Officials and Civil Servants; the Law on State Employees; the LOPC; the LOPP; the Law on People's Public Security Forces, etc.

Article 11

120. Non-criminalization of economic or civil relations and strict handling of law violations are among the major policies of Viet Nam. The CC states that the party who breaches his obligation shall bear civil liability toward the other party. Meanwhile, only person who commits a crime prescribed in the PC shall bear criminal liability (PC, Article 2). The PC also specifies that certain risks from scientific research, experiments, application of technological advances do not constitute a criminal offence (Article 25).

Article 12

121. The Constitution states that: "Citizens have the right to free movement and residence within the country, and the right to leave the country and to return from abroad. The exercise of these rights shall be provided by the law" (Article 23).

122. Vietnamese citizens have the right to freedom of residence under the laws and the State has many comprehensive policies and measures to better ensure the right. This right may be restricted in case he or she is banned from leaving their places of residence as a measure applied by authorities competent to conduct legal proceedings; residence ban applied by courts; sentenced to imprisonment in waiting for judgment enforcement or with suspended sentence or with imprisonment sentence postponed or suspended; subject to probation; subject to being sent to correctional institutions, medical treatment establishments or education centers but enjoying the postponement or temporary suspension of the enforcement (Law on Residence, Articles 3, 5 and 10).

123. With respect to Vietnamese citizens, Decree No.136/2007/ND-CP of the Government specifies the grant of papers for the purpose of exit from and entry into Viet Nam (Chapter III); persons not yet permitted to leave the country and not yet granted papers for the purpose of exit from and entry into Viet Nam (Chapter IV), etc.

124. With respect to foreigners, the Law on Entry, Exit, Transit, and Residence of Foreigners in Viet Nam (LEETREVN) was promulgated in 2014 and specifies the revocation or annulment of entry, exit and residence papers issued by Vietnamese competent agencies (Article 6); conditions for entry (Article 20); suspension from entry (Article 21); conditions for exit (Article 27); cases of suspension from exit and duration of suspension (Article 28).

125. A foreigner may be compelled to leave Viet Nam in one of the following cases: (i) The foreigner fails to leave Viet Nam after the expiration of the temporary residence period;

(ii) For reason of national defence, security or social order and safety (LEETREVN, Article 30).

126. A foreigner's exit from the country shall be temporarily postponed in one of the following cases: (i) he/she is currently the suspect, the accused, or the person with relevant obligations in a criminal case; a defendant or a person having obligations in a civil case pertaining to business, employment, administration, marriage and family affairs; (ii) he/she has to implement a judgment or decision of the Court or a Competition Council; (iii) his or her tax obligations have yet been fulfilled; (iv) he or she is obliged to comply with an administrative sanction; (v) for reasons of national defence and security (LEETREVN, Article 28).

127. Foreigners may reside in Viet Nam (temporary or permanent residence) (Chapter VI of the LEETREVN).

128. In case a foreigner temporarily resides in Viet Nam, the temporary residence duration is the same as the duration of stay stated in visa. For the persons granted visa-free entry under international agreements to which Viet Nam is a Contracting State, the duration of temporary residence shall comply with the international agreements, or shall be 30 days if it is not specified by the international agreements. Any foreigner that temporarily resides in Viet Nam must declare his or her temporary residence at the local competent authority. The duration of temporary residence may be extended as prescribed by law (LEETREVN, Articles 31, and 35).

129. Foreigners may be allowed to permanently reside in Viet Nam if they meet the requirements under the Vietnamese laws (LEETREVN, Article 39). From 2000 to June 2013, there are 620 foreigners granted permanent residence to live with their spouses who are Vietnamese citizens, and 02 foreigners granted permanent residence because they were awarded medals, and no one has applied for permanent residence for political reasons.

130. The Government of Viet Nam pursues their consistent policy of ensuring lawful, safe and regular migration; preventing and combating illegal migration, human trafficking; and protecting the rights and legitimate interests of citizens throughout the migration process. Until 2016, there are about 4.5 million Vietnamese, living in more than 103 countries and territories, including more than 127,000 Vietnamese overseas workers with definite-term labour contracts in about 28 countries and territories. There remain a small number of Vietnamese citizens illegally crossing the border or illegally entering and residing abroad for economic purposes. Viet Nam has been cooperating with other countries and organizations to address this issue, including returning of illegal migrants, helping them stabilize their lives and reintegrate into the community.

131. With an aim to facilitating immigration, the procedure of immigration has been reformed, such as unilaterally exempted entry visas for citizens from a number of countries (from 07 to 13 countries); extended the visa term; visa exemption for crew members of 17 countries and territories on the principle of reciprocity; pilot granting of electronic visas for foreigners entering Viet Nam.

Article 13

132. Expulsion is either principal or supplementary sanction under the LHAV (Articles 21 and 27). It may also be determined either principal or supplementary punishment under the PC (Article 32). Accordingly, expulsion shall apply only to foreigners committing any administrative violations, or criminally sentenced by the court.

133. The LHAV specifies the orders, procedures and power for imposing expulsion in accordance with administrative procedures. Expellees may lodge complaints or denunciations, or have the execution of the expulsion decisions postponed in accordance with laws (Decree No. 112/2013/ND-CP, Articles 8 and 9).

134. The LECI and other implementing legislation on expulsion have specified such matters as stay pending exit, handling of cases of run-away persons subject to the expulsion sentence, or expulsion expenses … (Articles 99, 100 and 102), for the implementation of

expulsion. The time limit for compelled exit from the Vietnamese territory of the sentenced person shall be extended if he/she: (i) is seriously ill or under intensive medical care and therefore unable to move as certified by a medical agency or a provincial- or higher-level hospital; (ii) is currently serving another judgment or performing another obligation under Viet Nam's law; or (iii) cannot leave the Vietnamese territory for a plausible reason as certified by the head of the criminal judgment execution agency of the provincial-level police department. Such person may carry along his lawful personal possessions on his exit (Article 101).

135. From 2011 to February 2016, the competent authorities of Viet Nam executed criminal deportation of 54 persons in accordance with court decisions; deported 167 persons in accordance with administrative procedures. Most offenders sentenced to expulsion by courts voluntarily left Viet Nam. There has not been any case of deportation using force by police. The police only provided assistance to persons subject to exportation in the exit procedures.

Article 14, paragraphs 8, 9 and 10 of the Committee's concluding observations

136. The Constitution provides for principles on court trial. Articles 31 and 103 stipulate that:

> (i) An accused person shall be presumed innocent until proven guilty in accordance with legally established procedures and under a legally effective court judgment;
>
> (ii) An accused person must be tried timely, impartially and publicly by courts within the time limit provided by law. Where there is a closed trial in accordance with law, the verdict must be announced publicly;
>
> (iii) Persons who are arrested, held in temporary custody, temporarily detained, charged, investigated, prosecuted, or tried are entitled to self-defence or be defended either by a lawyer or by some other people;
>
> (iv) Persons who are unlawfully arrested, held in temporary custody, temporarily detained, charged, investigated, prosecuted tried or subject to judgment enforcement shall be entitled to physical and spiritual compensation and restoration of their honor;
>
> (v) Judges and Lay Judges are independent and subject only to law; interference by agencies, organization and individuals in the judgment of Judges and Lay Judges are strictly prohibited.

137. The CrPC has also stipulated a number of fundamental principles with the aim of protecting human rights and the citizen's rights in line with the Constitution, such as guarantee of all citizen's rights to equality before law; presumption of innocence; right not to be tried twice for the same offence; guarantee of right to defence for accused persons, and protection of the rights and legitimate interests of defendants and victims; guarantee of oral arguments in adjudication process; check and supervision within the system of each law enforcement agencies and among different agencies are ensured (Articles 9, 13, 14, 16, 26 and 33).

138. For the implementation of constitutional right to be equal before law, as stipulated by the CiPC, the CrPC, the Law on Administrative Procedure and the LOPC, the courts shall conduct trials under the principle that people are equal before law, non-discrimination in terms of ethnics, gender, belief, religion, class and social status; all individuals, organizations and authorities are equal to implement their procedural rights and obligations before court. The court shall conduct trial by a collegiate body and make decision by majority, except for summary procedures. The court shall have the duty to inform, explain and guarantee the accused's the right to defence, and the rights and legitimate interests of the involved persons.

139. The immediate superior courts shall conduct appellate hearings or review of first-instance court judgments/decisions that are not legally effective, and are appealed or

protested. Competent appellate courts, persons entitled to appeal and appellate procedure are clearly stipulated in the CrPC (Articles 330, 331 and 332).

140. Judicial precedents are examined and applied in resolving civil cases if they are chosen by the Justice Council of the SPC and published by the Chief Justice of the SPC. In addition, from 1 July 2017, all legally effective court judgments or decisions shall be made available in the Court's website.

141. The people's courts system of Viet Nam is introduced in paragraph 11 of the Report. There is neither court based on customary law nor religious court in Viet Nam.

142. Judges of the SPC shall be appointed by the State President based on the National Assembly's resolution on approving the proposed candidates (Constitution, Articles 70 and 88). The appointment is conducted based on the capabilities and reputation of candidates and examination results. A person who wishes to be appointed as a judge, in addition to meeting the requirements prescribed by the LOPC, must pass a national judicial examination (to become an inferior judge, and to promote to become a mid-ranking judge or a superior judge). Selection of qualified candidates for judges shall be made by the National Council for Selection and Supervision of Judges.

143. Under the 2014 LOPC, the initial term of office of a judge is 05 years. For judges who are re-appointed or appointed to another judge rank, the subsequent term of office is 10 years (Article 74). Thus, the current tenure of judges is longer than that under the 2002 LOPC (the tenure was 05 years). Pursuant to the Decree No. 53/2015/NĐ-CP, the retirement age for a judge of SPC is 65 for man and 60 for woman (Article 3). The consideration of a judge's removal or dismissal is under the National Council for Selection and Supervision of Judge according to law.

144. To guarantee of impartiality of judges, the CrPC has stipulated that the persons given authority to conduct criminal proceedings (including judges) are not permitted to take part in proceedings if there is reason to believe that they may not be impartial, for any reasons, to carry out duties (Article 21). The CrPC also states that persons given authority to conduct legal proceedings must refuse to conduct the proceedings or be replaced if there are explicit grounds to believe that they may not be impartial while performing their duties (Article 49).

145. The rights of accused persons are specified under the CrPC (Article 16), especially the following rights:

(i) To present their statements and opinions, and have no obligation to testify against themselves or admit to guilt;

(ii) The suspects have the right to read, take notes of, copy records or digital documents relating to charges upon requests, after the end of investigations.

146. The CrPC states: "Participants in the criminal procedure may speak and write in their own native languages; in this case, interpreters shall be provided" (Article 29). In a courtroom, this right is clearly defined under Article 263 of the CrPC, pursuant to which, if the defendant, crime victim, involved party or witness does not speak Vietnamese or is a mute or a deaf, an interpreter shall be provided to help them understand statements, arguments, questions and answers in the court, the trial panel's rulings and relevant matters. The interpreter must translate presentations, arguments, questions and answers of the above-mentioned persons into Vietnamese to help the trial panel and other attendees in court understand. The interpretation fee is paid from State budget.

147. Defendants must appear at court sessions as per the Court's subpoena during the trial; if they are absent for objective reasons or force majeure, the court sessions must be postponed. Courts may only try the defendants in absentia in the following cases: (i) the defendant has escaped and his pursuit has been in vain; (ii) the defendant stays abroad and cannot be summoned to the court session; (iii) the trial panel approves the defendant's request for trial in absentia; and (iv) if the defendant's absence does not result from force majeure or objective obstacles, and does not hinder the trial (Article 290).

148. Compared to the 2003 CrPC, the 2015 CrPC has added the right to self-defence or having others to defend the rights and legitimate interests of persons denunciated or facing

requisitions for charges; persons taken in custody in emergency cases; persons caught in flagrante delicto or arrested under wanted orders (Articles 57 and 58).

149. The CrPC provides that in case of arrest or temporary custody, defence counsels may participate in the procedure from the time the arrestee is present at the premises of the Investigating Agency or the agency authorized to carry out a number of investigative activities, or upon the decision on taking into temporary custody (Article 74). In particular, under the 2015 CrPC, the granting of certificates of defence counsels no longer exits, and only registration of defence is required to ensure that the defence counsels may participate in the proceedings quickly. The CrPC also specifies the rights of defence counsels during the proceedings, such as the right to meet and talk with the accused; the right to be present during the taking of statements from arrestees and temporary detainees; the right to be informed of timing and location of the taking of statements.

150. Vietnamese law also specifies the right to legal aid. Compared to the 2006 LLA, the 2017 LLA has a longer list of persons eligible for legal aid (from 06 groups to 14 groups).

151. The CrPC also stipulates the circumstances under which the competent procedural authorities must appoint the defence counsels who are not sought by the accused persons, their representatives or their relatives. In this case, payment for the defence counsels shall be made by the State budget, not by the accused.

152. The LSCL specifies the scope of state compensation liability in criminal procedures and enforcement of criminal judgments (Articles 18 and 20), the authorities competent to deal with compensation request (Articles 34, 35 and 36), the procedure of settling the compensation … Compared to the 2009 LSCL, the 2017 LSCL has new provisions on the procedures for settlement of compensation claims at the agency directly managing the law officer who committed an illegal act causing damages, to shorten the handling period (from 95 days–125 days to 41 days–71 days).

153. From July 2011 to March 2015, lawyers participated in more than 87,604 cases, including 42,342 criminal cases. In 2016, lawyers participated in legal proceedings for over 23,670 cases. From 2007 to 2016, State-run legal aid organizations participated as defence in 51,721 cases involving the poor or people of ethnic minorities residing in areas with exceptionally difficult socio-economic conditions, or other social groups who cannot afford to hire lawyers. Especially, at the request of law enforcement agencies, legal aid workers or lawyers have participated in all requested criminal cases, accounting for 100%.

Number of cases with lawyers participated (7/2011–3/2015)

Unit: Case

Number of cases		
Criminal		*Other fields*
Invited by clients	Appointed by law enforcement agencies	
16 786	25 556	4 262

Number of legal aid cases (2007–2016)

Unit: Case

Free legal aids in criminal cases	
In form of defence	*By way of representation or protection of the rights and legitimate interests of persons who receive legal aid*
51 721	17 343

Article 15

154. Viet Nam does not apply retroactive criminal law, except when provisions of law that remove a crime, a sentence, an aggravating factor or provide for a less severe sentence, a new mitigating factor, or increase the possibility of probation, exemption or exclusion of criminal liability, exemption from sentence, commutation, conditional parole, or conviction expungement and other provisions which favour offenders, may be applied to criminal offences committed before such provisions of law come into force (PC, Article 7.3).

Article 16

155. The CC provides that individuals from birth have the right to have their birth registered. The civil legal capacity of an individual is the ability of the individual to have civil rights and obligations, from the time the individual was born and terminated when he or she dies. Personal rights are civil rights attached to each individual, cannot be transferred to other people, unless otherwise provided for by law (Articles 26, 16 and 25).

156. The LOC stipulates that a child has the right to have his birth or death registered, and the right to have surname and given name, and nationality; the right to have his father and/or mother, ethnicity, and gender identified in accordance with law (Article 13).

157. The Law on Civil Status (LCS) affirms that Vietnamese citizens, stateless persons permanently residing in Viet Nam, or foreign citizens permanently residing in Viet Nam have the right to register their civil status, including the right to have their birth registered (Article 6).

158. The LCS also provides for the establishment of an electronic citizen database for storing civil status information of individuals (together with a paper database) (Article 59). Accordingly, the civil status information of individuals will be integrated and centrally managed for the purpose of archive, updating management and search of civil status information, thereby serving requests for civil status registration and administrative procedures.

159. Viet Nam has a system of civil status registration and management agencies from central to district and then commune levels with simple civil status registration procedures. Current birth registration rates are 95% to 98% for delta areas, 85% for mountainous areas.

160. Viet Nam's national action program on civil status registration and statistics for the period 2017–2024 has been approved by the Prime Minister to ensure that civil status events of Vietnamese citizens, foreigners permanently residing in the territory of Viet Nam, and Vietnamese citizens residing abroad be registered timely, fully, accurately and in accordance with the law; to increase the rate of civil status registration, especially on birth registration and death registration rates; to guarantee that all citizens are granted civil status papers (especially "birth certificates", "death certificates") with sufficient information in conformity with international practices.

Article 17

161. The right to privacy is a constitutional right provided for in the Constitution, whereby everyone has the inviolable right to privacy, personal secrets and family secrets; has the right to protect their honour and prestige. Information on personal life, personal secrets, and family secrets is guaranteed by law (Article 21). In order to protect privacy, Vietnamese laws provide for different mechanisms, and liability of persons for violations. For example:

(i) The CC affirms that the collection, storage, use and disclosure of information relating to personal life and personal secrets must be approved by such person; the collection, preservation, usage, disclosure of information relating to family secrets must be approved by family members, unless otherwise provided for by law. Mailings, telephones, telegrams, other forms of electronic information of individuals are safe and confidential. The disclosure, control, seizure of correspondence,

electronic databases and other forms of exchanging private information of others shall be carried out as stipulated by law (Article 38);

(ii) The PC provides crimes for infringement of confidentiality or safety of correspondence, telephone or telegraph communications or the exchange of other private information of others (Article 159), illegal provision or use of information on computer networks and telecommunications networks, including acts related to the lawful information of agencies, organizations or individuals, without permission (Article 288);

(iii) The search, sequestration and collection of mails, telephones, telegraphs, electronic data and other forms of the exchange of private information must be conducted in accordance with Article 195 of the CrPC;

(iv) Special investigative measures specified in the 2015 CrPC include: (a) Recording and making video secretly; (b) Listening to phone calls secretly; (c) Collecting electronic data secretly (Article 223). The CrPC also specifies the circumstances under which a special investigation may be taken (Article 224), jurisdiction to apply the investigation (Article 225), and the application duration (Article 226). The information collected from applied special investigative measures shall only be accepted as evidence if the collecting process complies with the law and is only used for the purpose of combating crime, and does not affect the privacy of citizens;

(v) The LAI provides for the handling of inaccurate information given by public authorities (Article 22).

162. In addition, the Law on Information Technology (LIT), the Law on Telecommunications, the Postal Law and the Law on Information Security of the Internet specify protection of privacy and protection of personal information, and prohibit any acts of infringement of the right to privacy in post and telecommunications activities, the safety of information, and application and development of information technology.

163. Decrees on sanctioning of administrative violations in the areas of press and publishing; telecommunication, security, and social order and safety also contain specific provisions on fines and additional sanctions for acts of infringement of the above rights, which have not reached the criminal threshold.

164. The right to inviolability of residence is also confirmed in the Constitution. Accordingly, everyone has the right to an inviolable place of residence and no one is free to enter another person's home without his consent (Article 22). This principle in the Constitution has been further specified by other pieces of legislation, such as:

(i) The 2005 CC states: "Only in cases where it is provided for by law and a decision of a competent State agency is required, a search of a person's place of residence shall be conducted; The search must be in accordance with the order and procedures prescribed by law" (Article 46);

(ii) The LHAV provides for the procedures and competence to apply preventive measures and ensure the handling of administrative violations, such as body search, search of means of transport and objects according to administrative procedures, search of places where material evidences and/or means of administrative violations are hidden (Chapter II) … Accordingly, such search must be conducted by competent persons, and must be witnessed and recorded in writing. Particularly, search of places where material evidences and/or instruments of administrative violations are hidden may be conducted only when there is a written decision thereon, unless there are grounds to believe that the material evidences will be dispersed or destroyed if immediate search is not done. A certain number of public servants specified in the Law are permitted to conduct a search without a decision, but must report directly to their management and take responsibility for their decision;

(iii) The PC also provides for penalties applicable to infringement of the residence of other persons (Article 158);

(iv) The CrPC provides that no person is allowed to infringe upon another person's residence, personal life, personal secrets, family secrets, safety and confidentiality of correspondence, telephone or telegraph communications and other forms of private communication (Article 12).

165. Article 192 of the CrPC also specifies the grounds for body search, search of correspondence, places of residence, places of work, places, means, items, letters, electronic mails, parcels, postal items, electronic data. Accordingly, the said activities shall be conducted only in the following cases:

(i) There are grounds to believe that tools or instruments used for commission of the crime, or documents, objects and property acquired by commission of the crime, or electronic data, other documents related to the case may be found in the person, place of residence or place of work. Search of residence, place of work, place and instruments may also be carried out when necessary to find the wanted person, or search for and rescue of victim is required;

(ii) There are grounds to believe that tools, instruments of crime, documents, objects and property related to the case may be found in correspondence, telegrams, parcels, postal matters and/or electronic data, search of the correspondence, telegraphs, parcels, postal matters and/or electronic data is allowed.

Article 18, paragraphs 16 and 17 of the Committee's concluding observations

166. The Constitution provides that everyone has the right to freedom of belief, of religion, of or against any religion. Religions are equal before law. The State respects and protects freedom of belief and freedom of religion (Article 24). This constitutional principle continues to be confirmed in the LRB. At the same time, this Law also stipulates the legal status of religious organizations, religious affiliations. Accordingly, a religious organization is a non-commercial legal entity as of the date of its recognition by the competent State agency (Article 30).

167. The LRB has many new provisions, such as reducing the required duration of stable and uninterrupted religious activity from 23 years to 05 years for the recognition of a religious organization; registration of religious activities is considered as the need of people, not considered as a requirement for the recognition of religious organizations; ordination or selection of foreigners residing lawfully in Viet Nam for a hierarchical rank; specific provisions on the right to freedom of region or belief of foreigners residing lawfully in Vietnam, and of persons who are held in temporary custody, temporarily detained, serving prison sentences or sent to a correctional institutions or drug treatment centers, etc.

168. The LRB stipulates: "Organizations and individuals that violates the law on belief and religion or abuse beliefs and religions to violate law shall, depending on the nature and seriousness of their violations, be subject to administrative liability or criminal liability; if he/she causes damage, he/she shall pay compensation therefor in accordance with law" (Article 64). Any person, who uses force, threatens to use force or uses other means to prevent or coerce others to exercise their right to freedom of belief, religion, or to follow or not follow a religion, and has been disciplined or subject to administrative sanctions for this behaviour, shall be subject to criminal liability in accordance with the provisions of Article 164 PC if he/she continues to commit such acts.

169. Vietnamese law stipulates that participation in military service is a citizen's obligation (Constitution, Article 45) and that act of escaping military service is prohibited by law (Law on Obligatory Military Services, Article 10). Therefore, in Viet Nam no one refuses military service on the ground of conscientiousness, religion or belief.

170. Viet Nam is a multi-religious nation, with the presence of religions infused from outside and religions formed in the country. 95% of the population of Viet Nam has enjoyed religious life or beliefs, including 24.3 million followers (compared to about 20 million in 2009), nearly 83,000 religious dignitaries. There are about 27,900 worship facilities and 53 religious institutions nationwide. Religious people's freedom to practice

religion or to participate in religious activities is respected and guaranteed. Annually, there are about 8,500 religious festivals at national and local levels. Many places of worship are renovated or newly built. Currently in Viet Nam there are 41 organizations of 15 religions that have been recognized by the State of Viet Nam and registered for operation.

171. The training and retraining of religious dignitaries and monks is maintained and expanded. Many Vietnamese religious dignitaries and monks have been sent abroad for training. Religious organizations in Viet Nam are encouraged and facilitated to participate in the health, culture, social and humanitarian activities and so forth to contribute to the national building and, at the same time to broaden external relations; representatives of religious dignitaries have participated in many international forums and religious dialogues, and exchanged doctrines and canon law at large forums, such as ASEM, ASEAN, etc. In the period of 2004–2016, there are nearly 1,500 religious dignitaries, monks and religious followers going abroad to participate in training of religion, and participating in conferences and seminars with international organizations on religion.

172. Between 2004 and 2016, the Religious Publishing House published more than 11,000 religious publications with a circulation of 32,711,834 printed copies. Bilingual Vietnamese-Banar Ede Jrai Ko Bru Mnong scriptures have been released to meet the needs of protestant minorities. Khmer scriptures are imported to serve Khmer ethnic dignitaries and religious activities.

173. For ethnic minority communities, their freedom of religion and religious equality are protected and supported by the State. In Viet Nam all religions are equal and there is no national religion. Religious training institutions and community-based foundations to support religious activities have been established, such as the Khmer Nam Tong Institute of Buddhism, the Foundation of Cham people following Islam and Brahmanism.

174. Religious organizations may organize donation events and receive gifts on a voluntary manner from domestic and foreign organizations and individuals in accordance with law. Vietnamese religious organizations may be allocated land by the State, without being required to pay land use tax, for religious purposes if they are in need of land. The governments at all levels have so far provided large areas of land for many organizations to use for religious purposes, such as granting 15ha of land to build La Vang Pilgrimage Center in Quang Tri Province, allocating 7,500m^2 of land to the General Secretariat of the Protestant Church of Viet Nam (in the South) to build the Bible Institute of Theology; Viet Nam Christian Mission was granted 6,000m^2 to build their new headquarters.

Article 19, paragraph 18 of the Committee's concluding observations

175. The Constitution provides that citizens have the right to freedom of speech, freedom of the press (Article 25). This constitutional principle is further specified in many laws promulgated by the National Assembly, such as the PL, the Publishing Law, the LIT, the LAI, etc. The Government has also issued a number of Decrees guiding the provisions of these laws.

176. The press is not censored prior to printing, transmitting and broadcasting. The State does not censor works before publication (PL, Article 13 and Publishing Law, Article 5). Journalists are obliged to take responsibility before law and heads of press agencies for the contents of their press works (PL, Article 25). For cases being investigated or prosecuted without trial, negative cases, or signs of law violation, on which no conclusions have been made by competent State agencies, the press shall have the right to communicate based on its own resources and shall be responsible before law for the content of the information (PL, Article 38).

177. To exercise the right to freedom of the press, citizens have the right to create press works; to provide information to the press; to have feedback on information in the press; to access press information; to associate with press agencies to carry out press products. Citizens have the right to free speech in the press to express opinions about the situation of the country and the world; to contribute opinions to formulating and implementing the

Party's lines and policies and the State's laws; commenting, criticizing, petitioning, making complaints or denouncing in the press (PL, Articles 10 and 11).

178. The press bodies shall be responsible for publishing and broadcasting petitions, criticisms, news articles, photos, and other citizen's press works; in case of non-publication, the reply must be answered and the reason given when requested; answering, or asking the organization or competent person to reply in writing, or reply in the press petitions, complaints and denunciations sent by citizens (PL, Article 12).

179. All acts of threatening or intimidating the life of, or defaming journalists or reporters are strictly prohibited. Means and materials obstructing the practicing of journalists or reporters shall be destroyed or seized in accordance with law (PL, Article 9).

180. The State adopts strategies and plans for the development of the network of publishing houses, printing establishments and publishing establishments; providing training of human resources; providing tax incentives to publishing activities in accordance with law; having policies to encourage non-State resources to participate in publishing activities (Publishing Law, Article 7).

181. The PL provides for media correction (Article 42); feedback information (Article 43); protection of radio and television broadcasting programs and e-newspaper content (Article 47); press activities of foreign newspapers, foreign diplomatic representative missions, and foreign organizations in Viet Nam (Article 56).

182. The LIT stipulates that organizations and individuals have the right to freely use digital information for legitimate purposes in accordance with law. The competent State agencies shall take measures to ensure the convenient access to and use of digital information. Organizations and individuals must not cite the contents of digital information of other organizations or individuals in case the digital information owner has warned or the law stipulates the citation of such information is not allowed. Where it is permissible to quote information, it is the responsibility of the organization or individual to state the source of such information (Article 15).

183. The 2015 PC provides for a new crime, which is infringement of citizen's rights to freedom of speech, of the press, of access to information and the right to demonstration (Article 167) for the purpose of dealing with persons who use violence, threaten to use violence or other methods to obstruct the performance of citizen's freedom of speech, of the press and/or of access to information.

184. The PL also specifies favourable conditions for cooperation activities of Vietnamese press agencies with foreign countries (Articles 37 and 55). The priority fields of cooperation are entertainment, science, education and children. Nowadays Vietnamese people can access 75 foreign broadcasting channels, such as CNN, BBC, Bloomberg … or major press agencies and newspapers, such as Reuters, BBC, VOA, AP … via Internet. There are 20 foreign news agencies that have resident journalists and many newspapers and magazines in foreign languages that are widely distributed in Viet Nam.

185. The right to freedom of speech, the right to freedom of press and the right to freedom of information in Viet Nam are getting more and more respected. Discussions, debates, criticism, multi-dimensional information on all political, economic and/or social issues of the country on mass media, with the active participation of political, social organizations and people are part of daily life of the Vietnamese people.

186. The press have become a dialogue forum for social organizations and people, and an important tool for the protection of interests of society and people's freedoms and for examining, monitoring the implementation of State's policies and laws, especially in the field of human rights. Various press agencies have taken the initiative in identifying and combating corruption, violations of human rights or civil rights and other negative manifestations.

187. By the end of December 2016, the Vietnamese press system, including televisions, newspapers and e-news, has 18,600 registered journalists and tens of thousands of officers, technical and professional staffs that work for 826 newspapers, 162 e-news agencies, and 66 radio and television stations with 182 broadcasting channels. Radios cover 98% of the

territory of Viet Nam and 99.5% of the population; television broadcastings cover 95% of the territory of Viet Nam, as compared to 85% in 2008.

188. Viet Nam has 63 publishing houses (compared to only 55 in 2009), with a 5–10% of average increase of annual publications. In 2016, Vietnamese publishing industry published 30,000 publications with 400 million copies of diverse contents to meet people's reading needs.

189. By the end of December 2016, there are 50 million people using Internet in Viet Nam (compared to 39.8 million in 2014 and 30.8 million in 2012), accounting for 53% of the population (higher than the world average rate of 46.64%). In 2015, Viet Nam ranks the second in Southeast Asia (after Indonesia) and the sixth in Asia in terms of the number of Internet users. In total, nearly 35 million people use Facebook.[7]

Article 20

190. In Viet Nam, all the ethnics are equal and united with, mutually respected and assisted one another for common development; all acts of discrimination against and division of the ethnics are prohibited (Constitution, Article 5). All acts of inciting violence, aggression war or hatred between ethnics and people of other countries, or disputes between ethnics, races, religions are prohibited and punished in accordance with law.

191. In criminal field, the PC stipulates crime against peace, aggression (Article 421). This crime is an exceptionally serious which is punishable by life-time imprisonment or death penalty as the highest punishment.

Article 21, paragraph 21 of the Committee's concluding observations

192. The Constitution stated: "Citizens have right to assembly, right to association, and right to demonstration" (Article 25). Detailing this constitutional provision, many legal instruments are adopted to promote, ensure and protect right to assembly and demonstration.

193. Any person who commits act of using force, threatening to use force or other methods to obstruct or force others to illegally associate or assemble may be subject to criminal penalties for infringement of citizen's rights to assembly in accordance with Article 163 of the PC. Furthermore, the 2015 PC stipulates a new crime, that is to say infringement of the citizen's rights to freedom of speech, right to freedom of press, right to access to information and right to demonstration (Article 167), to deal with persons who use force, threaten to use force or other methods to obstruct the citizen's rights to demonstration.

194. Decree No. 38/2005/ND-CP dated 18 March 2015 of the Government on measures to secure public order provides for gathering of persons in public, measures to guarantee public order, and competence authority to apply these measures. Persons who abuse of their position, powers in securing public order duties to infringe the State's interests, the rights and legitimate interests of individuals shall, depending on the seriousness of their violation, be subject to discipline, or criminal prosecution; if damage occurs, compensation therefor must be made in accordance with law (Articles 8 and 13). In order to elaborate the provisions in Articles 14.2 and 25 of the Constitution, the draft Law on Demonstrations is being prepared in order to detail the provisions of the Constitution and to ensure better people's freedom.

Article 22, paragraph 20 of the Committee's concluding observations

195. The Constitution states: "Citizens have the right to [...] form associations. The exercise of these rights is governed by law" (Article 25). This constitutional principle has been specified and ensured by various legal documents, such as the CC, the LC, the Law on

[7] www.internetworldstats.com of Internet World States and www.wearesocial.com of We Are Social

Trade Union (LTU), Decree No. 102/SL/L004, Decree No. 45/2010/ND-CP (amended and supplemented by Decree No. 33/2012/ND-CP), etc. The draft Law on Association is being prepared with a view to ensuring and creating favourable conditions for citizens to exercise the right to association according to the Constitution, and to meet the requirements of international integration process.

196. The CC stipulates that any individual or legal entity has the right to establish a legal entity, unless otherwise provided for by law.

197. The right to establish, join and operate trade unions of Vietnamese labourers working in agencies, organizations and enterprises is governed by the LTU (Article 5) and the LC (Article 189).

198. Those who use force, threaten to use force or use other tricks to prevent or force others to assemble or to hold meetings lawfully may be subject to criminal penalties under the provisions of the PC (Article 163).

199. Vietnamese law specifies prohibited acts against employers concerning the establishment, accession and operation of trade unions (LC, Article 190); administrative sanctions for acts of violating the regulations on ensuring the exercise of trade union rights (Decree No. 95/2013/ND-CP, Article 24, amended and supplemented by Decree No. 88/2015/ND-CP).

200. Associations in Viet Nam develop in different sizes, scales and capacities. In terms of quantity, there are about 67,627 associations in Viet Nam, of which 506 associations operate nationwide (as of July 2016). In general, associations have made a lot of contributions to the process of national building and development: representing the role of a bridge between members and government agencies, reflecting the aspirations of members, supporting members in production and business activities, enhancing competitiveness, assisting in solving commercial disputes, providing advice on production and markets, etc. The activities of associations focus on the social, humanitarian and charitable aspects, especially the provision of services in a number of fields such as education, training, health care, sports, environmental protection. The associations also play an increasingly active role in advising and giving comments to policies and laws of the State, socio-economic development programs and projects of the central Government and local governments.

201. By the end of December 2016, Viet Nam had 710 district-level Labour Federations; 48 trade unions of industrial parks; 361 local sector-based trade unions; 125,560 grassroots unions with 9,636,417 members. As compared with 1990, the number increased by more than 5 million members.

Article 23

202. The Constitution confirms that men and women have the right to marriage and divorce. Marriage shall conform to the principles of free consent, progressive orientation, and monogamy, equality between husband and wife, and mutual respect (Article 36).

203. The LMF provides for the protection of all interests of citizens in the marital relationship, especially the principle of equality between wife and husband in the creation, possession, use and disposal of properties; protection of vulnerable women and children from acts of forced marriage or domestic violence, and of unaccompanied children. Although the State does not recognize same-sex marriage, the law respects and does not punish same-sex cohabitation. The LMF also recognizes surrogacy for humanitarian purposes.

204. All Vietnamese citizens, when they are eligible to register their marriages (full 20 years of age for men and full 18 years of age for women), have the right to freedom and equality in deciding their own marriages without being forced or hindered. All backward marriage practices (such as forced marriages, less respect for women, polygamy, and disrespect for the interests of children) are abolished. At the same time, women in the marital relationship are protected by law against early marriage, forced marriage, domestic violence.

205. In fact, early marriage and consanguineous marriage still exist in some ethnic minorities. Facing this situation, in April 2015, the Prime Minister approved the project "Reducing early marriage and consanguineous marriage in ethnic minorities from 2015 to 2025" to reach the goal of basically containing and reversing the situation of child marriage and consanguineous marriage in ethnic minorities by the year 2025, thereby contributing to raising the quality of population and human resources of ethnic minority areas.

206. In Viet Nam, marriage, divorce or cancellation of unlawful marriage between Vietnamese citizens and foreigners does not change the Vietnamese nationality of persons concerned and their minor children (if any) (Law on Nationality of Viet Nam, Article 9).

207. The property regime of husband and wife has been specified in various legal documents. The 2014 LMF allows spouses to agree to the property regime.

208. The LMF also regulates different-sex cohabitation as husband and wife without marriage registration (Articles 14, 15 and 16).

209. The LMF specifies protection of the marriage and family regime. Agencies, organizations and individuals may request courts or other competent bodies to apply measures to promptly prevent and handle persons committing acts of violating the legislation on marriage and family (Article 5).

210. The law prohibits acts of obstructing or forcing the implementation of family planning, such as infringing upon the body of the contraceptive users, or persons giving birth only to either sons or daughters; forced use of contraceptive methods, forced pregnancy, forced premature birth, multiple births or births of either sons or daughters (Decree No. 104/2003/ND-CP, Article 9).

Article 24

211. This Article should be fully considered in connection with the 3rd and 4th National Periodic Report on the Implementation of the Convention on the Rights of the Child (CRC) 2002–2007 submitted to the Committee on CRC in 2011 and the National Report on Human Rights in Viet Nam under the Cycle II of UPR mechanism. In April 2014, the Prime Minister approved the Plan for the Implementation of the Recommendations of the United Nations Committee on the Rights of the Child. For the purposes of the Convention, the Report highlights the following points:

212. The Constitution provides: "Children shall be protected, cared for and educated by the State, family and society; children may participate in child-related issues. Harassing, persecuting, maltreating, abandoning or abusing children, exploiting child labour or other acts that violate children's rights are prohibited" (Article 37). This constitutional provision has been further specified in legal documents relating to children, such as the CC; the LOC; the LOE; the Law on Medical Examination and Treatment (LMET).

213. The LOC provides principles of ensuring the rights of children, including: any discrimination against children is prohibited; the best interests of the child in child-related decision making are ensured; children's opinions and aspirations must be respected, heard, considered and responded, and the opinions of children and of related agencies and organizations must be heard in the making of policies and laws that affect children (Article 5).

214. The LOC provides for 25 groups of children's rights, such as the right to life; the right to have their birth registered, the right to have surname and given name, nationality; the right to privacy; the right to life with parents; the right to receive legal aid; the rights of stateless, internal displaced, refugee children, etc. (Articles from 12 to 36).

215. Viet Nam has universal pre-school education for children aged five years, universal primary education and lower secondary education. Family has the responsibility to encourage family members of legally-specified ages to study to reach required universal education levels (LOE, Article 11). The State has always paid attention to funding for health care for children (LMET, Article 4).

216. The CC's provisions on civil transactions made by minors, on representation, and on guardianship have contributed to the protection of the rights and legitimate interests of minors. Children have the right to own, inherit, and other rights over property in accordance with the law.

217. The CC provides: "Parents are the legal representatives of minor children". For minors: (i) if a minor has no parents or his parents cannot be identified; or (ii) if a minor has a father or mother but his or her father or mother has the capacity for civil acts lost; the parents have difficulty in their cognition or control of acts; the parents have limited capacity for civil acts; the parents are declared by court to have their rights to the child restricted; both parents do not have the conditions to care for and educate the child, and who have a request for guardianship, the guardianship shall be ensured (Articles 136 and 47).

218. The new changes of criminal policy for offenders under 18 years of age are clear that the best interests of persons under the age of 18 are ensured in the 2015 PC. In particular:

(i) The principle: "The treatment of offender under 18 years old must ensure his best interests" was added in Article 91 of the 2015 PC. It is worth noting that this Code narrows the scope of criminal liability for persons aged between full 14 years old and under 16 years old. Accordingly, person in this group is only subject to criminal liability if committing one of 28 very serious or extremely serious crimes;

(ii) Provisions on supervisory and educational measures applicable in cases where persons under 18 years old are exempted from penal liability in Section 2 of Chapter XII are added;

(iii) Conditions for criminal liability exemption applicable only for persons aged between full 14 and under 16, and persons aged full 16 and under 18 are specified.

219. In addition to the humanitarian criminal policies against offenders under 18, the 2015 PC also manifests the policy of serious punishments against crimes of infringement upon persons under 18, such as:

(i) Defining particular crimes against persons under 18 years old;

(ii) Defining that committing offenses against persons under 18 in general and persons under 16 in particular is considered as aggravating factors applicable to a number of crimes;

(iii) Commission of offences against persons under 16 is considered aggravating factors generally applicable to crimes.

220. Children's right to legal aid is guaranteed in reality. From 2007 to the end of 2016, legal aid-providing organizations provided 46,831 free legal aids for homeless children. It is worth noting that the 2017 LLA has a broader coverage of children eligible for legal aid, from only homeless children to all children; and covers the accused aged between full 16 to under 18 and aggrieved persons aged between full 16 to under 18 that have financial difficulties.

221. It is noteworthy that family and juvenile courts — specialized courts — were established in 2016 to protect the rights of women and children under 18.

222. The Prime Minister approved the National Action Program for Children in the period of 2012–2020 and the Program for the Prevention and Fighting of Childhood Injury in the period of 2016–2020; the Program to Promote the Right of Children to Participate in Child Issues in the period of 2016–2020, the Viet Nam's National Action Program on Civil Status Statistics and Registration in the period of 2017–2024; the Program for Children Protection in the period of 2016–2020, the Program on Prevention and Reduction of Child Labour in the period of 2016–2020. The overall goal is to build a safe and friendly living environment to better fulfil the rights of children; to gradually reduce the gap in living conditions between groups of children; to improve the quality of life and create equal development opportunities for all children.

Article 25

223. The Constitution provides: "Every citizen who reaches the age of 18 has the right to vote. Every citizen who reaches the age of 21 has the right to stand for election to the National Assembly, or People's Councils. The exercise of those rights shall be prescribed by a law" (Article 27).

224. Under the 2015 LEDNAPC, voters to the election of National Assembly's Deputies and provincial-level People's Council Deputies also include persons being temporarily detained or taken in temporary custody, and persons being sent to mandatory educational institutions and drug treatment centers. They are included in the electoral roll of the place where they are temporarily detained or taken in temporary custody, or of the institutions or centers.

225. In addition to asserting the right to vote of Vietnamese citizens, the LEDNAPC also specifies cases where voters are not included in the electoral roll (persons being deprived of the right to vote under legally effective court judgments or decisions, persons currently awaiting the execution of death sentence, persons serving their imprisonment sentences without suspension, or persons losing civil capacity to act).

226. Results of the election of Deputies to the 14th National Assembly and People's Council Deputies at all levels for the term of 2016–2021, with a total number of 67,049,091 voters participated (accounting for 99.35%)[8] have proven that people are becoming increasingly aware of their right to vote and affirmed citizen's interest in the political life, their responsibility and important role in exercising their right to participate in the national and social governance.

227. The election of Deputies to the National Assembly, and to People's Councils shall be conducted in the principles of universal, equal, direct and secret ballot (LEDNAPC, Article 1).

228. In case that sick, old-age or disabled voters are unable to go to the polling station, the local unit of election shall bring the supplementary ballot box and ballots to the voter's place of residence or treatment place for the voter's receipt of ballots and voting. In special circumstances where the voting time must be either postponed, or organized earlier than legally-prescribed schedule, the Election Committee shall submit it to the National Election Council for consideration and decision (LEDNAPC, Articles 69 and 72).

229. Voters who cannot write in the ballots by themselves may ask other persons to write on their behalf, but they must vote on their own; the asked persons must ensure the confidentiality of the ballots. If, due to his disability, a voter is unable to cast ballot by himself, he can ask another person to cast the ballot into the ballot box (LEDNAPC, Article 69).

230. Vietnamese law also specifies cases in which persons are not allowed to become candidates for Deputies to the National Assembly, and to People's Council: they are persons who are deprived by a Court decision of the right to self-nominate, persons who are serving imprisonment sentences, persons who have their civil act capacity lost or restricted; persons being prosecuted; persons who are serving criminal court judgments or decisions; persons who have fully served the criminal court judgments or decisions but have not yet had their criminal records cleared; or persons who are serving at mandatory educational institutions, drug treatment centers or educational measures at communes, wards or townships (Article 37).

231. The LEDNAPC prescribes that persons who commit acts of deceiving, bribing or coercion to obstruct the election or self-nomination of citizens, or violation of regulations on campaigning, or persons responsible for election preparation who forge papers, fraudulently votes or use other tricks to distort the election results or violate other provisions of the legislation on election shall, depending on the nature of the violation, be disciplined, administratively sanctioned or criminally punished (Article 95).

[8] Statistics from Resolution No. 617/NQ-HDBCQG dated June 08 2016 of National Election Council

232. The PC contains criminal punishments against infringement upon the citizen's rights to vote and self-nominate, and against falsifying of election results (Articles 160 and 161).

233. Citizens have the right to participate in the management of the State and society, participate in discussions with and make recommendations to state agencies with respect to the matters of concern of localities and the whole country. Citizens who are from full eighteen years old have the right to vote when the State holds a referendum (Constitution, Articles 28 and 29).

234. This constitutional right is further specified in many legal documents which detail the conditions, forms and methods for people to participate in the State management activities, such as:

(i) The State holds elections so that voters in the whole country can vote directly by their ballots on important issues of the country. The Law on Referendum was passed in 2015, creating uniform legal bases and favourable conditions for people to directly practice democracy and to use referendum as means to express their will and right over important matters of the country, thereby meeting objective needs of the national renovation.

(ii) In the law making, the drafting agencies, organizations, and concerned agencies and organizations shall be responsible for creating conditions for agencies, organizations and individuals to provide comments on legislative proposals and draft legal documents; to organize the gathering of opinions of stakeholders (LPLD, Article 6).

235. In recent years, Viet Nam has endeavoured to implement social equality policies through legislation to ensure that all citizens have access to and enjoyment of public services, health insurance, social insurance, social relief, hunger elimination and poverty reduction; to improve laws and regulations of social preferences for beneficiaries and of consumer protection; to establish unemployment insurance fund to ensure social security.

236. The Vietnamese Government advocates the expansion of direct democracy, such as dialogue between local authorities and the people through in-person meetings or video-conference; and program "People ask, Ministers respond", "People ask, leaders respond"; surveys on citizen's satisfaction with public administrative services. According to the Provincial Governance and Public Administration Performance (PAPI) in Viet Nam in 2016, reforms in administrative procedures and public administrative services are making good progress. Besides, the quality of provision of public services and the level of satisfaction with public services, especially public health services and public primary education, security and order in most of provinces and cities in Viet Nam has been much improved in comparison with those 5 years ago.[9]

Article 27, paragraph 19 of the Committee's concluding observations

237. Viet Nam has 53 ethnic minorities with a population of 13,386,330 persons, accounting for 14.33% of the country's population. The Vietnamese Government has given priority to the implementation of socio-economic development policies in living areas of ethnic minorities with more than 154 special policies defined in 243 documents.

238. The Constitution provides: "the State shall implement a comprehensive development policy and create conditions for the ethnic minorities to promote their internal resources and develop together with the country" (Article 5). The Constitution also recognizes equality, solidarity, respect and assistance for mutual development among the ethnic minorities; any act of discrimination or division of the ethnic minorities is strictly forbidden; the ethnic minorities have the right to use their voice, written language, to preserve their national identity, to promote their fine practices, custom, traditions and culture. Favourable

[9] Report on the Viet Nam Provincial Governance and Public Administration Performance Index (PAPI) 2016,
http://papi.org.vn/wp-content/uploads/2017/04/6_CungUngDichVuCong_PAPI2016_VIE.pdf;
http://papi.org.vn/wp-content/uploads/2017/04/PAPI2016_Report_Final_VIE-1.pdf

conditions are provided to ethnic minority people in their civil relations to gradually improve their material and spiritual life. Given that ethnicity is of importance, the Constitution clearly states that the National Assembly has the power to decide ethnic policies.

239. In the organizational structure of the State, the Ethnic Council is elected by the National Assembly. The Ethnic Council has the duty to make recommendations on issues related to ethnic affairs; to exercise the power to supervise the implementation of ethnic policies, programs and plans for socio-economic development in mountainous and ethnic minority areas. The Ethnic Council is entitled to comment on the promulgation of regulations on the implementation of the Government's ethnic policies. Within the Government, there is a ministerial-level agency, namely the Committee for Ethnic Minority Affairs, which seeks to uphold and protect all interests of ethnic minorities.

240. Ethnic minority people have the right to study in their own language in accordance with Decree No. 82/2010/ND-CP on teaching and learning of spoken and written languages by ethnic minorities in general education establishments and regular education centers, and Decree No. 05/2011/ND-CP of the Government dated 14 January 2011 on the work of ethnic minorities. In the school year 2015–2016, Viet Nam has 314 ethnic boarding schools stationed in 50 provinces and cities with 91,193 students (an increase of 06 schools and 2,946 students compared to the school year 2013–2014). In addition, Viet Nam has maintained 8 ethnic minority languages teaching in schools, including Cham, Khmer, Ede, Bahnar, Jrai, Hmong, Thai and Chinese, in 20 provinces.

241. Many effectively-implemented socio-economic development programs and projects in the areas of ethnic minorities have brought about good results, contributing to hunger eradication and poverty reduction and raising the living standard of the people. Policies on agricultural and rural development in ethnic minority and mountainous areas, including the policy of land allocation and forest allocation for people to develop crops and animal breeding, have benefited people of ethnic minorities, contributing to the socio-economic development of the mountainous provinces, attracting investment and creating jobs, while supporting their exercise of rights to development of their own ethnic groups. As of 2015, for every 100 ethnic minority households, it has 46.7% of permanent houses, 43.7% of semi-permanent houses and 9.6% of temporary houses. The rate of poor households in ethnic minority and mountainous areas by the end of 2015 is about 16.8%. By 2016, the rate of households in ethnic minority and mountainous areas according to the multi-dimensional approach decreased by 2% as compared to 2015, and in poor districts reduced by 4%.

242. The Government approved the project "Preserving and Developing the Culture of Ethnic Minorities in Viet Nam up to 2020" and the project "Conserving and Promoting the Value of Literary and Artistic Works of Ethnic Minorities in Viet Nam" in 2011 and 2016 respectively. At present, households listening to radio are 90%, and households watching TV is over 80%. Ethnic minority people in all regions have taken part in cultural activities bearing ethnic identities, many of which are available in ethnic minority languages, such as Hmong, Ede, Cham, and Khmer. Cultural property of the ethnic minorities is recognized as national cultural heritage; UNESCO has recognized a number of cultural heritages of the ethnic minorities in Viet Nam as world cultural heritages such as: "Cultural Space of Central Highland Gong", "My Son Holy Land", etc.

243. In the political system from central to local levels, ethnic minority people hold key positions, such as the former General Secretary of the Communist Party of Viet Nam (2001–2011), current Vice President of the National Assembly, the Chairman of the Ethnic Council of the National Assembly, etc. At the Ethnic Minorities Committee, the Minister is an ethnic minority person, and 4 out of 5 Vice Ministers and most senior officials at director level are ethnic minority persons.

244. The ethnic minorities involved in the political life are increasing. The ethnic minority people elected to the National Assembly for the 2016–2021 term account for 17.4% of the total number of the National Assembly Deputies (nearly 2% higher than the National Assembly term 2011–2016). Up to 30 June 2014, ethnic minority officials working in the agencies from central to local levels are 18,116 (about 5%). In March 2016,

the Prime Minister approved the project "Development of the Contingent of Cadres and Civil Servants of Ethnic Minorities in the New Period" in the period of 2016–2020, which aims to effectively implement the Ethnic Minorities Strategy up to 2020, to step by step improve the legal and policy system to become a uniform system, and to contribute to improving the quality and ensuring the reasonable proportion of ethnic minority staffs in State agencies and State-established public organizations from central to local levels.

245. Consultations with affected persons and groups are required in the preparation, drafting and promulgation of legal documents and socio-economic development policies. For policies and laws relating to ethnic minorities, or to remote and mountainous areas inhabited by many ethnic minorities, their opinions must be collected in person or through opinions of local government organizations.

246. Positive changes have been seen in the legal dissemination and education in ethnic minority and mountainous areas, and legal aid services are approaching people: 100% of provinces and cities have established State-run legal aid centers with 201 branches at district and inter-district levels and 424 organizations registered for provision of legal aid services. These organizations provide free legal services in the forms of legal counselling, participation in legal proceedings, out-of-court representation and so forth to help the ethnic minorities living in areas with difficult conditions and other vulnerable groups to resolve legal problems. Between 2007 and the end of 2016, legal aid organizations provided legal aid to nearly 308,722 ethnic minority people, and supplied and distributed about 1.3 million law brochures in ethnic minority languages to disseminate and educate law and the right to legal aid for people of ethnic minorities.